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OUTLINE STUDY COURSES
OF
THE AMERICAN INSTITUTE OF SACRED LITERATURE

BUILDING A MORAL RESERVE

or

THE CIVIC RESPONSIBILITIES OF THE CHRISTIAN CITIZEN

OUTLINE STUDY COURSES
OF
THE AMERICAN INSTITUTE OF SACRED LITERATURE

Hyde Park, Chicago, Ill.

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The following persons have co-operated in the preparation of this course:

SHAILER MATHEWS	ELLSWORTH FARIS
ANDREW C. McLAUGHLIN	SAMUEL C. KINCHELOE
HAROLD D. LASSWELL	FRANK J. LOESCH
WILLIAM W. SWEET	GEORGIA L. CHAMBERLIN

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EDITORIAL NOTE

Although this course of study deals with the responsibilities of the Christian citizen, it would be unfair to call it a course in civics. Its purpose is rather to help people to think of their civic responsibilities in terms of their religious ideals. In order that those who use the course, especially young people, may have an intelligent basis of facts gathered from the history of the past, a great deal of informational material is given. Through the investigations which are suggested the student may become acquainted with existing civic conditions in his own community, and on the combined results of these two sources of knowledge, *plus a religious interpretation of life*, he can think constructively concerning the community's interests and his own civic responsibilities.

Only through such an approach to civic life can we expect that the ideals of Jesus will be brought to bear upon the destruction of the sources of evil and made to function in the upbuilding of those organizations and activities which in a democratic society are being evolved for the development and direction of the ideal community.

While it is not the intention of those preparing this course to suggest that the church as an institution should enter the political field, there is much that the church can do in inspiring and informing individual people and making its voice heard where moral issues are involved. There is little hope for our community life unless that higher type of person so largely represented in the churches can be persuaded to interpret his civic duties as an expression of his religious life and character.

STUDY I

THE COMMUNITY[1]

I. Introductory Analysis

When we speak of society and social life, we need to remember that strictly speaking there is no such thing as Society which can be treated as a sort of separate entity. We know, of course, that human beings have to live together, but it is a great mistake to think that they are members of one great Society in the way that they are members, for instance, of a church or a family. Individuals arrange themselves in groups which exist for a certain purpose that individuals would not be able to accomplish by themselves. Thus we have the family, church, business organizations, lodges, and innumerable other groupings which men have formed as they have advanced in intelligence and have developed new needs which they wanted to satisfy.

What we mean by Society is a group of groups. Men have membership in Society by being members of one or more groups. The situation is somewhat similar to citizenship in the United States. A man who becomes a citizen of a given state is also a citizen of the United States. But he cannot be a citizen of the United States without being a citizen of some state. So too in nature. An electron has part in an organism like the human body, by being a part of an atom, which in turn is part of a molecule, which in turn is part of some structure of the body.

As individuals, we are members of groups. Each one of these groups exists for certain purposes. Thus we join a church in order to be religious; we go to school in order to be educated; we work in mills, factories, or offices; we have our societies, clubs, and families. Now government is one of these groups, where individuals unite to accomplish certain purposes by what we call political actions. That is to say, this group makes laws and enforces them; it levies taxes, maintains armies and navies, or policemen, constables and sheriffs. In other words, a state is one social group.

It is important to notice, however, that these various groups which constitute society are not inclusive. A person can belong to many of them as, of course, we all do. But when we share in the action of one group, we do not act exactly as we do when we act in another group. Thus when we act in church meeting, we do not undertake to do the same things as we do when we work in an office or in a business firm. Our membership in any group activity is conditioned by the purposes which that activity undertakes to further. In a democracy, any man is supposed to be free to enter any group that he desires, regardless of his membership in other groups. Actually, of course, this is not always true, but in America, it is probably as true as anywhere in the world, that membership in one group is no longer limited to those of certain other groups.

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[1] Study I was prepared by Shailer Mathews, Samuel C. Kincheloe, and the Editor.

Thus, government is not something external to those who are governed. The same persons who vote are always persons who are in business or in school or some other group. The really important problem is just how these various groups stand related to each other. Should one control the action of another, and if so, which?

II. Historical Survey

The history of the development of a social order is always interesting. Its beginning will be in the prehistoric time, long before man had invented writing or, indeed, any form of records. Civilization seems to have sprung up out of the needs created by elemental animal life. Hunger, self-preservation, and sex are three inheritances which humanity has received from, and at present shares with, the other forms of animal life. The one great difference between humanity and animals is the fact that in supplying these active needs of his nature, man has continually organized institutions and methods of life which are on a different plane from the primitive needs.

Thus, in the satisfaction of hunger, men have been led to the adoption of a large proportion of the elements of civilization. Just how primitive man and woman made the basic discovery of fire and its power to improve food, we do not know. We are equally ignorant as to how they came to discover that certain wild grasses could be cultivated for food, nor do we know how they first came to know the other facts of the process of cooking. But discover them they did. Hunger thus led the way to these foundations of society, and, coupled with other physical motives, to the use of houses, tools, and domesticated animals. Primitive man needed someone to till his fields and cook his food while he fought or loafed. The institution of marriage thus resulted, and the difference between the human home and the den of the fox is the difference between man and animal.

So, too, in the case of fighting. If primitive man had not been able to defend himself he would have succumbed to the wild beasts in the midst of which he lived. If he had not defended himself, his family, and his food supply against other men he would have perished. But the fighting instinct led to more than violence; man began to invent new weapons, new means of defense, new organizations of fighting forces. Thus upon this instinct, as upon the others, humanity, unlike the animals, built a civilization. The foxes still have holes and the birds have their nests, but man, though driven by the same physical needs as animals, has built himself cities, established governments, and explored the mysteries of nature. Social organization is the way in which intelligence has met the problems of physical life. The various institutions with which we are familiar came into existence because they helped in the struggle for life; and institutions have ceased to exist when they no longer could supply imperative needs. Each institution which we now have has its history and is a testimony to the instinctive effort of man to co-operate for definite needs and purposes.

Occasionally there appears an individual who attempts to disregard this fact, and who attempts to superimpose on others practices or governmental control or some other institution, the need of which is not felt, but the success of which is due to this individual's energy and control of punitive methods. It would be a mistake to describe such men as tyrants or as a misfortune. Some of them are just that, but others have been men who sensed, if they did not understand, the needs of their fellow-countrymen and succeeded in getting some sort of social co-operation for larger efficiency. For it is by no means true that the same social organization is universally capable of meeting human needs. Because democracy has proved successful in England and in the United States, it would be unsafe to say that it would be successful in countries like Italy and Spain, in which there is a radical difference in history and social, political, and economic development. Indeed, it would seem that in some stages of civilization an intelligent dictatorship serves the public welfare better than any form of popular government which has been attempted.

The same thing holds true in the satisfaction of economic wants by business. All commerce is the extension of the primitive attempt to satisfy human needs, but in this satisfaction there have been formed a great number of other needs which require satisfaction. Thus, the need of cooking dishes led to the invention of the potter's wheel and the great manufactories of china and glass, which we have in our modern day. The impossibility of every family's raising all that it needed led to the exchange of various commodities and the establishment of a standard measure of value and, finally, to the elaborate financial and commercial establishments of today.

No form of social activity in the economic life has remained stationary. Once the church insisted that man should not lend money at interest. Today banks and individuals sell the use of their wealth in the same way that primitive man would exchange wheat for venison. The farmer organizes in one way, the fisherman in another, bankers, brokers, insurance men, shoe manufacturers, and innumerable other people in other ways; but they all agree in this, namely, that it is possible to be more efficient by co-operative action than by isolated, individual action. That is why government came into existence; it is one of the group activities of man.

The Bible gives an interesting picture of the way in which social groups emerged. There is first of all the history of the Hebrew people itself. Originally nomads, with flocks and herds, they became farmers and to some extent inhabitants of towns. They do not seem to have originated their new form of social life, but to have taken it over from the inhabitants of the country which they conquered.

The Book of Judges is a vivid picture of the violence and disorder which attended this change of civilization. The attempts to carry on war against civilized people were not always successful. Jehovah gave success to Judah as long as he fought the people who lived in the mountains, but when he fought the people of the plain, he was unable to prevail against them because they had chariots of iron (Judges 1:19). Read the stories of Gideon, Deborah, Jephthah and note the spasmodic attempts to unite for self protection, Judges chaps. 4–12. In the course of time, disunion became unendurable, and the people clamored for a king. Apparently a king was not favored by the prophet Samuel, who had, himself, maintained an imperfect social unity; but he yielded, and Saul, a man of one of the tribes, was set up as king, I Samuel chaps. 8–12. The new institution seems to have functioned pretty well for the ends for which its need was first felt, that is, war. The failure of the new authority to function fully led to civil war, and, in course of time, to a new dynasty, that of David, II Samuel chaps. 3, 4, 8. Under him, military efficiency was well developed, the Hebrew people were transformed into effective warriors, and the rudiments of an effective state appeared. It was far enough removed from the modern state, but it did actually and, for a time, effectively, meet the needs of the Hebrew people. It was finally swept into the major struggles of ancient history, and all but disappeared as a nation.

Associated with this political development was that of other social institutions, and among them, religion. This also passed through various stages of development on the whole parallel with, and expressive of, the sort of change through which the nation itself was passing. Thus, in the smaller, nomadic form of development, worship was clearly determined by the ways of nomadic life. As the nation became agricultural, the religious festivals became agricultural. As the nation gained a keener sense of individuality, there developed a centralized worship in Jerusalem and the Hebrew people, although scattered widely, looked to their Temple at Jerusalem as the center, not merely of their nation, but of their religion. This history of the Hebrew people, as narrated in the Old Testament, illustrates how men undertook to organize themselves so as collectively and co-operatively to do that which they felt themselves incompetent to do individually and separately.

In the New Testament a different but, if possible, an even more striking illustration of the same tendency is to be seen in the rise of the Christian church. The work of Jesus consisted largely in the organization of a group of men and women whom he instructed and authorized to act as his representatives. At the start, this little group had a rudimental organization, for there was need for someone to care for the common purse and attend to other small wants of the group. After the events of Pentecost, however, the number of Christians had so increased and so many of them were poor that some sort of co-operative activity was imperative. The church met this by the appointment of the Seven, who looked after the administration of the poor fund. From that time on, one can trace the development of the Christian movement in many particulars. Each little local unit had its organizations, collected funds for various purposes, maintained some form of religious service, and ministered to each other's wants in a spirit of brotherhood. Thus, there developed rather rapidly a social group which existed for its own ends. It did not undertake to go into politics or business; it existed for the purpose of illustrating and embodying the spirit of Christ. Christians were members of all sorts of contemporary organizations. In fact, they were definitely told not to remove themselves from the world. But for the purpose of worship, instruction, and mutual helpfulness they developed that social group which we know as the church.

As one traces the history of western civilization, one sees how mankind organized groups to accomplish certain ends in ways which constitute a distinct civilization. These institutions and customs were by no means unchangeable. As economic and other aspects of life changed the group life changed too. One of the most tragic periods in human history was that in which the elaborate civilization of the Roman Empire disintegrated. Its institutions disappeared to such an extent that men even ceased to know how to read and write. A new population of armed immigrants came into the western part of the Empire and displaced the older population in much the same way that the Hebrews drove out the Canaanites, and then set about the re-establishment of the social order. It was a desperately difficult task, for individuals who gained pieces of land and built castles were as widely separated as if they had lived in different worlds. But the actual struggle for life and support developed a type of social group and the feudal society emerged from the disordered, ruined Empire. It was far enough from being an ideal form of government, but it showed the way in which men tend to unite into smaller or greater units for the purpose of waging war, and protecting their families and those who raise their food. Men did not pay taxes, but rendered service and made gifts. There were no officials in the modern sense of the word, but the Lord of the domain was supposed to protect his vassals. It was a rather rough and ready method of social grouping, but out from it came modern states.

The rise of these states from the feudal relationship was the inevitable outcome of the failure of feudalism to function in a social order that was developing cities and accumulating wealth by thrift and commerce. Nobody invented the principle of representative government but it sprang up naturally from the relation in which the feudal lord and the citizens of towns found themselves. While the clergy constituted the first order of the state and the nobility the second during the latter part of the Middle Ages and especially the beginning of the modern period, one can see the development of the third order, known in France as the "bourgeoisie" or town people, and in England as "the commons." Little by little members of this third estate tended to organize as a group, in order to oppose the nobility who still insisted on outgrown feudal privileges. The struggle reached its climax in the latter part of the eighteenth century, and, so far as the continent of Europe was concerned, in the French Revolution; but long before that had been reached, there were a great variety of organizations and groupings formed, intended to express the interests common to the same group. Among these were the trade guilds of the Middle Ages organized to further their own advantages; the various religious orders, which by the eighteenth century had acquired a vast amount of the land of Europe; and the military establishments, which served to develop the spirit of conquest on which the newly developed nationalism seemed to thrive.

If the conditions from which the groups emerged disappeared, the group itself became of little importance, and either died out or was forced out by groups that more effectively met the needs which society as a whole felt. The eighteenth century showed, beyond any question, that men will group themselves together for certain ends, but when once the need of such grouping passes, they will try to maintain the group for the sake of the advantages which it conferred. Thus there has emerged repeatedly much violence and struggle which no government has been able to control—in which, indeed, governments have very commonly joined.

The period of the Reformation offers a very interesting illustration of the tendency of men to organize themselves for group action. The Roman church had lost the favor of some of the states of Europe and when an opportunity came, such as was furnished by the demand that the princes carry out the papal excommunication of Luther, they organized themselves into a general party known as "Protestants." The circumstances which gave rise to this grouping are clear enough in the history of the times. There was no hope for safety in the struggle against the Empire and the Pope except in union. Each nation that felt itself in this situation took almost identically the same steps—they organized a church within their own limits. Thus there came to be national churches in Saxony, Norway, Sweden, Denmark, Scotland, England, Wales, Ireland, not to mention the municipal churches whose names still appear on catechisms and the confessions used in our own day.

And, finally, the tendency of civilized man to unite for the purpose of accomplishing ends appears in the United States of America. Its citizens definitely stated that the purpose of their common undertaking was to establish a government. In so doing, they illustrate the principle as perfectly as is humanly possible, that is, the functional value of government. It is a social grouping. The federal government was not to interfere with religion or to establish a national church. It was to interfere just as little as possible with various other group activities. Many Americans have always held that the best government is the one that governs least. That the federal government was a grouping of individuals, as well as states, was shown by the outcome of the civil war, and the problem which it now faces is not so much one of efficiency as the maintenance of a group which will recognize the necessity of co-operation on the political plane as clearly as the need of co-operation in economic corporations and mergers.

This sketch of the development of civilization has, it is hoped, made plain how inevitable the formation of groups is; how the same person can belong to various groups; and how, at the same time, government is one of the essential forms of group life. There was a time in which government was believed to have acquired its authority over the people by some sort of a contract. This, men claimed, had been broken, and the people were called upon to regain their lost natural rights. This sort of political philosophy has long since ceased to be influential, but it lay beneath the revolutions of the eighteenth century. In its place has come a new government, born, not of imagination or of philosophy, but from the history of the efforts which men have made to set up social order, maintain peace, protect themselves, their families, and their property. According to this view, government is functional; it is a way of setting up group action for certain ends in certain areas of human need. Its validity is not to be decided by any philosophy, but by the simple question as to whether it actually does enable men and women to gain those ends for which the government was organized. If the answer is affirmative, the outlook for the government will be hopeful; if, however, the government does not represent the organizing capacity and basic needs of the nation, it is likely to disappear.

Such facts as these make it important for those who are interested in morality to realize that the problems of government cannot be separated from those of other social groupings. The same persons will belong to different groups, and while any statement must be made cautiously, it is undoubtedly true that the attitudes and habits of one group tend to pass over to other groups. No government can long escape the influence of other groupings. It is here that the influence of the church must be placed. It cannot exist in complete separation from other groups; it should not undertake to identify itself with them, but in the interplay of group life, in the participation of individuals in the activities of the different groups, there are opportunities which neither the church nor the state can overlook. Though the church and the state should be separate, they cannot be mutually insulated. How they can co-operate for the furtherance of the public good must needs be determined by a careful estimate of their respective functions.

III. Investigation

This preliminary study of the history of community organization would be useless for the purpose of helping to "build a moral reserve," if it were not followed by an investigation of the community in which the reader lives, this in turn to be followed by some study of Christian principles which claim attention in connection with the life of any community. The following suggestions should be of some assistance in the analysis of a local community, and should give greater power to evaluate situations.

Anthropologists tell us that when the North American Indians occupied North America, it had a number of culture areas which were rather sharply marked off from each other. Some Indians had a maize culture, others hunted and fished, others specialized in making pottery or blankets.

Can you see certain great culture areas within the United States today? To what extent does the fact that a person lives in a steel industry area determine his manner of living? What does it mean to live in the corn belt or the wheat region or in the cotton belt? What difference is there in the daily routine, in the implements used, in the way in which these different groups receive their compensation or purchase their supplies? May the great industrial city be thought of as one cultural area or as many? Do these boundaries tend to break down or are they permanent? The community is an area in which people have something in common, even though it is only the fact that they live in the same area.

1. The History of Your Community

Most frequently this history leads back to some interest or ambition common to a small group. Every community has had a history. What was the origin of your community? Its geographical features, its location in the region which surrounds it, its natural features such as rivers, hills, proximity to sea, or lake, or mountain, probably had their influences upon its origin and have helped to shape its life. Can you trace the influence of these things in the development of your community? Architecture, type and direction of streets, the question of open spaces, privately owned or held for the public, are matters of historic interest. Many towns in America not located in New England are laid out in the New England fashion about a central square or common, because the people who settled these towns migrated from New England carrying with them their tastes and traditions, often expressed in the manner in which they laid out their villages, built their homes, and still more definitely in their cultural habits. Other towns reflect their origin in their similarity to foreign villages because they were founded by people of foreign origin. What about your community and its origin? What nationality group first settled it? You cannot understand your community unless you know its history and can put your finger on those things which are part of its inheritance, if its roots run back into any distant past.

If you have read certain novels of the great Northwest, such as Bojer's *The Immigrant* or Rolvaag's *Giants in the Earth* and *Peder Victorious*, you will be reminded that many of the villages of the Northwest were settled through the hard labor and long self-denying work of the

Scandinavian peoples, and you will be thrilled by the struggles there pictured so vividly. It is impossible to understand the communities of the Dakotas, Minnesota, and all that region without a knowledge of the origin of these communities. Compare the early history of Massachusetts with that of Virginia or Louisiana. Can communities coming up out of such variant origins be alike at the present time?

2. *Boundaries*

A first step in the study of any single community is an attempt to fix its boundaries. How can you tell where one community leaves off and another begins? Trade relations will help us to decide this question. Where do people buy their food and do the trading which is necessary for carrying on the ordinary activities of life? Another guide in fixing the boundaries of a community is the attendance of people at public institutions. The school in the village leads us to count as members of the community the families of those children that attend the school When a group of people unite in a larger enterprise such as a township high school, the community is enlarged because of the relationship established in bringing together members of families who were more widely separated, and in time the villages affected feel themselves part of a larger community and perhaps lose their identity as villages in a larger town organization. The churches also help to define the boundaries of the community. All those people who attend certain local churches count themselves members of the community, even though they may be some miles from the church which they attend. The third question is the extent to which the political divisions, such as county, town, village, or city, define community boundaries. In large cities there are necessarily many communities, sometimes separated by a single street. These are often legitimate community boundaries because, for certain reasons which you should discover, if possible, the communities thus divided are more homogeneous. We recall, however, that in some communities the people who live "beyond the tracks," or north of a certain street, or "over the river" are practically counted out of the community life because they have less education, less money, and less opportunity. Are the boundaries thus raised barriers to the progress of the whole community, and are there illegitimate as well as legitimate boundaries, especially in large cities? You are probably acquainted with more communities than your own. Study this question carefully and decide what makes a legitimate community boundary.

3. *Institutions and Organizations*

The second field for investigation in your community is a study of its institutions and organizations. First of all, the headquarters of these should be located. Institutions of government with their headquarters; institutions for Christianizing the community, such as churches; institutions for the general education of the community, schools, cultural organizations, libraries, art galleries; institutions for the extension of social privileges to those who might not otherwise have them; lodges, and clubs; institutions for relief. All these have great influence. How many of them rose out of real needs? Is the distribution of these organizations spread evenly over the community, or are there marked differences of opportunity for different groups? There may be cultural differences between groups in your community or between your community and some nearby community which express themselves in different ways of eating, or dressing, or living, or worshiping. Are you familiar with the facts on this subject? Is the ministry of the organizations of the community, taken collectively or individually, uniform? Are there some groups which are not getting all that they ought to have?

4. *The Unifying Influences*

A third question for investigation is critically to examine your community to discover what present influences have brought to the community such unification as it has. What about your local press? Why do you read your community paper? Does your reading of it interest you more deeply in the welfare of the community? Does it identify itself with those movements which give strength to community enterprises, or is it partisan in its influence?

Who are the leaders in your community? What do these people do which characterizes them as leaders? Do these leaders represent groups in the community? Are these groups ever in conflict? Can groups be in conflict and yet unite in purpose? Is there such a thing as healthy conflict? Is your community at any time in conflict with other nearby communities? What is the basis of this conflict? Are you loyal to your community?

Has your community ever united with other communities in a common enterprise? Must there not always be such joining of communities where they are part of a great city? Would it be true that an enemy of one was an enemy of all, and that no community in a city can stand apart and say that an economical disadvantage, a social evil, or a political tangle does not concern it because its center is in a different part of the city?

5. *Membership in a Community*

One must always raise some personal questions such as, To how many organizations in society do you belong? Is your membership in the community determined in the same way in which your membership is determined in a club, lodge, church, or political party? What is the one thing determining whether you are a member of Community A or Community B? How many things enter into the determination of what club or what church you would belong to?

This investigation should help us to see more clearly the directions in which we, ourselves, have responsibilities, simply because we live in a certain place under certain conditions.

IV. The Christian Aspect of Community Responsibility

When one thinks of living as a Christian, he is liable to draw a small circle around himself and to picture his Christian relationship as expressing itself in the cultivation of kindly thoughts for those with whom he comes in daily contact, the attendance at church on Sunday plus perhaps some special church responsibilities, and some interest in the world-wide activities of his denomination. It is not so easy to define what *civic* responsibilities in Christian terms are, yet it is only as such a definition is made and the scope of Christian responsibilities measured that the power of Christianity in a community can make itself felt in civic matters. The Christian influences in most communities are only half realized. Christianity is a life, and Christians are members of practically all the community groups. The man or woman who acts in a Christian way only in church enterprises is worth very little to the community, and a community made up of such Christians will not get very far in the realization of responsibilities as Christian citizens.

Suppose we ask ourselves more questions, such as: In the choice of those who are responsible for the direction of community government, has the Christian spirit been exercised, or has the power been allowed to play into the hands of self-seeking leaders? In the expenditure of public funds, has a generous Christian spirit seen to it that the whole community rather than a privileged few were benefited? Does the Christian spirit of your community require that the children of the rich and the children of the poor have equal advantages of education and recreation? In your courts of justice, do the judges, moved by the Christian spirit, give justice alike to the rich and the poor? Do the churches of your community function fully in furnishing definite religious education for its youth? Do the landlords of your community, in the Christian way of living, study the possibilities of adequate housing for those who must be tenants rather than home-owners? In a recent Institute course, the possibility of "Finding God in the Beautiful" claimed the attention of thousands of people for a year. Do the less privileged class of people in your community have the opportunity to come under the influence of beauty through sculpture, music, drama? Are there beauty spots which are accessible to all members of the community? Can you make a list of the organizations or institutions in the community which are on the whole constructive from the Christian point of view or judged on the same basis destructive in their influence? Questions such as these could be multiplied indefinitely, but perhaps the wisest way is to leave to the student the task of raising such other questions as the conditions in his community suggest after he has made a detailed analysis of it. There remains only a final question: In the administration of all of the features of the community life which you discover in your investigation, does the Christian spirit prevail? If not, who is to blame? What part of the failure is due to the indifference to civic welfare of churches, schools, organizations, or individuals? What steps can be taken by individuals, homes, churches, organizations, and schools to bring about a better state of things? Is information, agitation, or just plain hard work the needed remedy?

Note to Student

This study is an essential preliminary to more detailed studies of particular phases of the general subject, "Building a Moral Reserve."

One who wishes to send in reports to be credited toward a certificate may receive such credit for the work of this first study by sending in a report of one thousand words on the results of the investigations which he has been able to make in his own community.

STUDY II[1]

GOVERNMENT

I. Historical Introduction

No human institution can be understood fully without some knowledge of its past; a person whom you wish to know and whose character you would evaluate can be known with any degree of accuracy only if you have gathered knowledge of his history, of his early life and experiences. In the study of political institutions, the historical approach is absolutely necessary, because, without knowledge of how an institution has acted, it is not a reality but a mere philosophic abstraction. But for practical purposes there is a second and even more cogent reason for reviewing the past in an effort to understand the present; without historical background, the picture lacks perspective, and, above all, it is necessary always to remember that what we have is the product of toil and suffering and aspirations of previous centuries. The most valuable product of historical study is not a collection of facts and figures, but a sense of the long reaches of time. Our political institutions, and our social order are fabrics woven on the loom of the ages. However critical and faultfinding one may be inclined to be if he is a student of history, he has also an inclination to view with respect, not unmingled with awe, the structure of the state and the government, because he sees in them the efforts and the hopes, the failures and the triumphs of many centuries, and because he realizes that this process of change is still going on. No study of political institutions, or life on the whole for that matter, as merely static can be satisfactory, because life never is standing still, and because, as we have just said, one possession of the student and the critic should be a sentiment begotten by history. In the following pages, no attempt is made to trace, even in barest outline, the history of government; but there is an attempt to use the historical approach in the discussion of the problems that are touched upon.

The Origin and Definition of the State

There has been much discussion, some investigation, concerning the origin of the state—the organized body of people under government.

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[1] Study II was prepared by Andrew C. McLaughlin, Shailer Mathews, and the Editor.

Even before men had risen from barbarism into what we presume to call civilization, there were groups, within which there was some kind of authority. That fact has encouraged writers to say that man is a political animal, or, as someone has said, "Man is hopelessly religious, so is he hopelessly political." The simple fact, but a very important one, appears to be the necessity and the desire for safety, and the need of cooperation and order. And this means, as far as history can demonstrate the fact, that the state has been evolved and that government, authority within the state, has been developed for the protection and well-being of the people. It is true that there have been states which seemed to exist for the benefit of the rulers, rather than for the well-being of the people; there have been extensive military empires yielding glory and power to the monarch and subjecting the common man to unmerited penury or drudgery. But though the definition may appear to be ideal, it is not applicable to all times and places; we may accept the following as for our purposes essentially satisfactory: *A state is a community of persons living within certain limits of territory, under a permanent organization, which aims to secure the prevalence of justice by self-imposed law.* This is the state as it exists, and in many times and places has existed, but we may still inquire what is meant by "justice" and what is meant by "self-imposed."

Limits of the State

The limits of the state may be narrow or wide. The Greeks looked upon the boundary of the city as the natural limits of the state, while the Romans thought the known and conquered world not too large for dominion and authority. The modern world, in the structure of the state, has been influenced by nationality, by the desire of people having the same language and culture, and some of the same experiences, to work together for their own satisfaction, safety, or upbuilding of power. There has been, therefore, and this is particularly noticeable in the nineteenth century, a movement to build up the *national* state. Among the half-dozen most conspicuous and important political events of the century were the unification of Germany, which at the beginning of the century was composed of hundreds of kingdoms and principalities; the unification of Italy and the decision of the American people in a devastating Civil War that their country should not be divided. This wish for national solidarity, this recognition of a certain unity of interest and sentiment as the basis of the state, has been associated, paradoxically enough, with a willingness or determination, in many instances, to bring other people under this sway. The building of the national state, and the intense development of nationalism, has been, and is, associated with imperialism, the extension of dominion beyond the confines of the nation. History, and history only means life, seems always to revel in contradictions; logically, if life would only consent to be logical, the people most anxious to assert their intention to build a national state of and for themselves should be equally willing to recognize the right of other people to "secure the prevalence of justice by self-imposed law."

Nationalism

Nationalism, as we now know it, is in some respects essentially modern. This is a dangerous statement because some one, with considerable reason, may well question whether it did not exist in essentials, in ancient Assyria or Egypt or in other places. But if we are thinking of the last fifteen hundred years, we can see the rise of modern nation-states out of the tribal confusion of the Dark Ages and their overcoming the distracting and conflicting forces of feudalism. We can find the growth of the absolute monarchies admirably illustrated by the power and grandeur of France when it had risen to the height of power and splendor under Louis XIV in the seventeenth century. We can find also something else; the devotion of a people to themselves, their sense of loyalty to their national state; their patriotism, which means more than readiness under compulsion to follow to war the oriflamme of king or prince. We find the intense emotional enthusiasm and the dogged courage with which the Dutch defended their dykes, their tulip beds, and their religion against Spain in the fifteenth century and poured out their "sea dogs" upon the channels of the North Sea to wage their own vitally important warfare.

This is but an instance; for England, too, was permeated by a loyalty to England and not alone to Elizabeth, and perhaps for a more recent example we should cite the rise of the Spanish people in the early nineteenth century against the power of Napoleon. This nationalism, this coming in of self in the consciousness of the nations, their pride in national prowess, and this desire for security, this jealousy or dread of other nations, which is possibly the unenviable consequence of actual homogeneity and oneness in a nation, and is connected with the rise of feeling that the people are the state, is today a matter of utmost consequence. Most of us will be inclined to say, if we look out upon the world that it is of almost supreme importance and that the greatest of all questions is whether people, while cherishing their own homes and their own kin and their own firesides, stand prepared to work for justice in the world at large.

Since the state arose in history, in part at least, to establish and procure justice within its limits, and to maintain security and order for the welfare of the common mass, we may well inquire whether the duty to "secure the prevalence of justice by self-imposed law" is not thus a duty transcending the limits of the national state. This question comes at a time when only hopelessly local-minded people can fail to see that in some respects, as the aeroplane, the radio, the steamship, and because of the extenson of commercial intercourse, the world has been to some extent actually integrated. The social well-being of the common man of any political state is then closely associated with the condition of the world. The cotton crop in Egypt, a famine in Judea, the life-circle of an insect pest from Japan or Italy, the prosperity of the British workman, are of interest not alone to the area immediately affected: the question comes at a time when science, and finance, and learning, bear no national trade-mark, and above all, as already indicated, national safety and personal security are endangered by *war* in a world that is in some respects essentially one. Guided by history we can see that just as the individual man surrendered, or was forced to surrender, a portion of his control over his acts, that he might be safe under the leadership of a feudal lord, or under the banner of a powerful king, so, in the future, the nation, that it may have safety and have the strength to grow in prosperity, may feel called upon to admit the desirability of settling disputes through tribunals of justice, and may recognize the fact that life, as we know it, is a series of accommodations and adjustments, and can be conducted safely only on such a basis.

Sovereignty

This matter of nationalism is connected with a legal or philosophical concept which we name "sovereignty," a most baffling thing if we try to sound its implications to the depths. The state (the United States, France, England) is said to be sovereign, to be self-determining. Of course, no state is completely so. No monarch who possessed the full authority within the state ever was able to do exactly and without actual restraint what he wished, or what his caprice suggested. And so we are tempted to say that national sovereignty is based on a theory contrary to reality. However that may be, the legal notion of complete competence, the right of a state to do what it chooses on a matter of legal authority, remains. For our purpose in considering the social obligations and functions of the state and government, this concept of sovereignty would not be very important were it not that the term, beyond its legal connotations, is heavily laden with sentiment. An appeal to this sentiment of the sovereignty is almost omnipotent; the charge that the sovereignty of the state is encroached upon hurries men along to the consideration, not of justice and the well-being of the world of men, but of national pride. It is not our purpose to decry national pride, to advocate the abandonment of sovereignty, to ask for the disappearance of patriotism. The purpose is to raise the question whether sovereignty, relied upon as a slogan, does not make more difficult that task of adjustment and accommodation, does not destroy good feeling, does not endanger the security and the promotion of social justice. Loyalty is a fundamental virtue; it implies readiness for sacrifice and for subordination of self to some cause beyond the narrow limits of one's own selfish interests. A man incapable of loyalty is a moral pervert. To decry loyalty in its various manifestations is, therefore, to disapprove our devotion to family, associates, the common weal. But the question is "how extensive and comprehending, how intelligent and manly, this devotion should and can be." Without comity, adjustment, good feeling, and loyalty, the purposes of the state, supposedly consecrated to justice and social service, cannot be fulfilled.

Rise of the Common Man

Those persons who are discontented with modern civilization, or with what we so often called during the World War "the so-called civilization" will gain heart by a consideration of history; and it need not be very remote history at that. The rise of the common man and the growth in power and dignity of the middle classes are, after all is said, the great achievement of the recent centuries. As a writer has recently remarked, "Is there or has there been a more momentous movement than that which changed John the carpenter and Joseph the tailor or Charles the smith into John Carpenter, Joseph Taylor and Charles Smith," a recognition of manhood as distinguished from status and a status unlike that of the titled and the privileged? One would, in the Western world, unsatisfactory as it may be, not now think of denying that the state existed for the benefit of the whole people and that the workmen and merchant were significant parts of the whole. It seems strange to us to consider that only a century and a half ago the European world was founded on privilege. Even in the countries farthest advanced toward popular government and social justice, privilege prevailed, the privilege into which men were born and which they exercised from the cradle. Napoleon declared the meaning of the French Revolution to be "a career opened to talent"; and when all is said, beneath all its terror and its overturning, that was what it proved to be. Napoleon may have had, in his own mind, the career opened to his own talents, but the revolution was a dramatic announcement introduced by slogans of equality and fraternity, that there should be no artificial barriers of privilege obstructing the progress of ability and vigor. When the United States was founded or when, only a few years later Jefferson gave forth his famous inaugural address, it sounded strange in the ears of the European ruler and privileged order to hear men spoken of as capable of managing their own affairs; it seemed to such persons a fantastic idea, this recognition of the common man and his inherent manhood. We need not claim that this ethical principle has been wholly made secure and fully realized. There are in the modern states, this side of the Atlantic or the other, persons who have, or appear to have, social prestige, possibly in some cases justifiably secured by character or public service; there are injustices; but the main point is that to a remarkable extent facts are consistent with theory. They are consistent with the presence of the idea that men are not born to positions of authority, to social and economic and political superiority. This fact is in itself a matter of profound significance. The presence of the theory activates the problem of actual and thorough realization.

Democracy

The definition of the state, which we rather hesitatingly accepted, declared the purpose of the state to be the securing of justice, the need for safety to persons and property. Perhaps in the long run even unlimited monarchies could on no other basis survive for any considerable length of time. Now the *government* is supposed, of course, to work the will of the state, therefore to secure the prevalence of safety and justice. The technically minded will inquire how one distinguishes the government from the state. In this country one should find no difficulty, for we have clearly made, in theory and practice, the government the creature and the servant of the state. Louis XIV might with some propriety—though you may say unseemly propriety—declare, "I am the state," because he was possessed within the state of absolute and undiluted sovereignty, and the possession of sovereignty is, in France, the characteristic of the state. It is doubtful, however, whether today any ruler would dare to announce his sovereignty and the identity of the state with his own person.

Should There Be Limits on the Government and the State?

Amid all the conflicts, inhuman war, agitations, social upheavals of the past centuries, there appears, time and again, a conspicuous question, sometimes in the earlier days (speaking now especially of the last six centuries) put forth by clerics or meditative philosophers, sometimes more violently by public uprisings or actual disturbance. That question was: "Does or should government be omnipotent, are there no limits upon its authority? Could there be justice and security if there were no bounds to the power of government?" Are there no substantial principles of right and justice? And if there are, do they not stand as barriers against the tyranny of governments? Men answered the question differently, but their different words often meant the same thing; the sovereign was bound, they said, by the law of God, by the everlasting rules of justice, by the law of nature and nature's God. Thomas Aquinas, writing seven hundred years ago, laid down this doctrine in words that bring to our mind the Declaration of Independence: "Every law, framed by man, bears the character of a law exactly to that point to which it is derived from the law of nature. But if, in any point, it is in conflict with the law of nature, it at once ceases to be a law; it is a mere perversion of law." Men, desiring social security and justice, began to ask whether government was made for man or man for government. Now those who maintain the untouchable sanctity of government, whose will must not be opposed, announced the divine right of kings. The modern occidental is startled from any smug equanimity when he stops to notice the longevity of that doctrine of governmental divinity, and how recently it disappeared, if it has disappeared, from the practice and the creed of rulers and their intimate associates. Only some three quarters of a century ago a great English statesman (I do not give his words exactly) spoke of an existing European government which had raised the denial of God, of right and of justice into a principle of political science. The active liberal politicians of the past, those men whose work and thinking produced modern liberal government, and who believed human welfare to be more important than kingly prerogative, declared that men came before government, and that government existed for men. Government did not have indigenous or original authority but only authority derived from the consent of the governed. Such a pronouncement, by no means invented by Thomas Jefferson, but possessed of hoary antiquity, obtained its greatest dignity because in America one hundred and fifty years ago *men acted upon the principle.* To take the principle out of the air of philosophic theory and to make it more than a revolutionary watchword, states were actually set up by people, governments were instituted, limits were solemnly imposed on governmental authority. No one desiring to know the relationship between government and social welfare, can neglect the long, long struggle, the age-long yearning for the principle that men created government for their own well-being.

All this may seem, to the American reader, very far away, not very near the realities of everyday life; but if he will read his newspaper with this thought in mind, and if, in addition, he will study only occasionally a law journal, he will discover the continual appearance of trials and legal decisions, closely associated with the everyday problems of social welfare, and embodying the principle that men have rights and liberties which no government can properly take away.

Government and the Governed

The study of history brings out the fact of the real or supposed antagonism between government and the governed, though this statement is probably too strongly worded. At all events, through the long course of English history we can trace the line of effort to secure liberty, the rights of the subject freed from the tyrannical intrusion of royal authority. It was therefore supposed in the eighteenth century when in America people set up their own governments, and when Frenchmen overthrew the throne in wrath, that there was, or was likely to be, an essential antagonism between government and people. The essential and all-embracing desire was for liberty. Government, said Tom Paine, is only a necessary evil, therefore the less government the better. Government, he said, like dress is a badge of lost innocence. Jefferson, in his immortal first inaugural, presented a great ideal: "A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned. This is the aim of good government, and this is necessary to close the circle of our felicities."

The development of modern society has demonstrated the inutility of such doctrines for us. They were the natural product of the long struggle of which we have just spoken; they embody the idea that if man would be happy he must be free and, above all, free from incessant oversight and domination by rulers. No one can deny the creative and inspiring effect of sober-minded freedom but we have outlived the notion that government's only function is to preserve order, to act as a big policeman. We need governments to do things, not merely to refrain from doing them, and the question we are discussing involves the perplexing problem, ceaseless and unrelenting, the problem of just how far men in search for individual gain or in zeal for their own advancement should be allowed to work their own way untrammeled by legislative provisions. How much should there be of restraint upon individual enterprise, and how much should government undertake to do itself? Modern life in its complexity is sometimes so different from the life of a century or so ago that mere abstention from governmental activity would be ruinous. Can individual men study the habits of the Mediterranean fly, and banish it from the orchards of Florida? Can men, seeking each his own individual profit, control the waters of the Mississippi River? Can men ward off the plague by individual personal effort without the intervention and the watchful activity of health officials? Restraints upon purely private enterprise are abundant, possibly at times superabundant; that, like other things, are, or may, in given instances, be a topic for dispute; but the fact remains that only by governmental regulation and, in many instances, by actual governmental action and bureaucratic management can things be done that the great mass of men believe should be done. In America, for example, there is universal acceptance of the idea that government must establish and manage public schools, because intelligence is the basis of a decent democracy and because many millions, acting on their individual initiative, and dependent upon their own lean purses, can through them find education for themselves and their children.

On the one hand, we say, that restraint must come, and government must do things. On the other, we see the surprising influence of freedom, because freedom postulates and develops responsibility; and we see, too, a certain or vague danger, the hard and sometimes clumsy hand of bureaucracy.

Conclusion and Summary

The conclusion appears to be, first, that though we are commonly unaware of it the past is in part with us today; and if we would know our problems, we should know how the present came to be, or at least not suppose that the present is self-created.

Second, that one verdict is possible in considering the life-history of the state, namely, that it arose because of the need of people for mutual protection and security, and that as far as history can justify government, it does so because it demonstrates the essential needs of mankind.

Third, that in theory, and probably actually, the state lives to secure the prevalence of justice, and justice includes safety and the promotion of social well-being.

Fourth, human welfare is not a purely parochial matter, but reaches out beyond national boundaries; national duties and human welfare must be thought of in terms of international obligations in a world politically disorganized, but in some respects, particularly economically, actually integrated, a world in which complete isolation has become almost impossible.

Fifth, the rise of democracy was connected with the struggle against government and at first men securing popular government did not see that political authority necessitated capacity for doing things of a social character that men could not do themselves.

Sixth, notably in this country, the problem is continuous of deciding how far, amid rapid developments of the social and economic order, government should operate or restrain.

The effect of this study so far should be to lead the reader to see that, theoretically at least, the government is his friend and the friend of his community; and that the problems of the government are his problems, in the solving of which he should have a personal interest and may have an active part.

II. How Governments Are Organized

In a country like the United States soveriegnty resides in the people themselves and the state is not to be identified with government; government is, rather, the way in which the state, by the voters, undertakes to express and enforce its will. We have, in fact, a great variety of such governmental forms; in general, their power is limited by the different local boundaries—towns, counties, states, and the United States—all having their particular governmental institutions and in theory at least, not interfering with each other.

The local government is the oldest element in our American political life. The original colonies, so far as their own affairs were concerned, consisted of towns in the north and parishes in the south. In these geographical areas the voters elected such officials as were not appointed by the king of England; thus the American colonies, long before they became independent of the mother country, were given experience in local government. This experience was carried westward as the country was settled although modified by frontier life. The unit of political life of America is that with which citizens are most intimately connected, namely, the government of villages, towns, and cities.

In towns and cities of any size the municipal government involves the formation of wards or districts, each one of which elects one or more members of the municipal government commonly known as the "Board of Aldermen" or the "City Council." For voting purposes, wards are further subdivided into voting precincts which include the voters within this comparatively small area. Such precincts do not elect any representatives to any central body, but are intended to assist the process of voting.

The government of the city is something like that of the state with its mayor, aldermen, judges, police force, school boards, inspectors of various sorts, and other officials whose business it is to carry on the affairs of the municipality.

2. In the United States, the next largest political unit is the county. There is some variety in the organization of these areas in the different states, but in general the county cares for matters which are not limited to any town or city, such as jails, roads, hospitals, and, to some extent, schools. The counties have courts, sheriffs, and other officials whose business it is to attend to local matters not cared for by the towns and cities.

3. The state, as it exists in the United States, is the unit of national life. Historically the state existed before the United States existed as a political body. To the United States were delegated certain powers of sovereignty such as the maintenance of standing armies, declaring war, making of treaties, the issuing of money, levying of customs, and the maintenance of post-offices and the control of commerce between the states, as well as the maintenance of diplomatic relations. Each state has its governor, its legislative body, its judges and various officials for the maintenance of peace; supports militia and has oversight of roads and public lands, statewide education, etc. The union of these states into the federal government was determined by the civil war to be something more than a confederacy. The citizens of each state are citizens of the United States, and a citizen of the United States is a citizen of a state, expressing his rights as a citizen within the particular municipal area in which he has his legal residence. The states elect representatives to the House of Representatives in Congress according to the population and each state elects two members to the United States Senate. Each state, like the municipality and the town, levies taxes.

4. The federal government of the United States of America is threefold—executive, legislative, and judicial—each independent of the other and each exercising certain aspects of the sovereignty which belongs to the nation as a whole. The president and vice-president are elected by an Electoral College, which is, in turn, elected by the people. The legislative branch consists of the Senate and House of Representatives, and has the power of making laws which concern the nation as a whole; the judiciary, which is composed of the Supreme Court and the various district courts, which try cases in which national legislation is concerned, or difficult differences that arise between the states or the people of the different states. The federal government maintains armies, issues money, collects customs, and income taxes but cannot levy a tax on exports. It declares war, makes peace, maintains diplomatic relations with other nations, and in general acts as the national government of a nation.

The Party System in Government

The United States inherited from England the institution of political parties. There are generally two of these, although there are usually small parties which undertake to elect their representatives to various governmental positions. The average citizen comes in contact with government almost exclusively through his relationship to some party. The parties make the nominations for elective offices; sometimes by conventions and sometimes by means of the direct primary in which the members of the party choose their candidates for the election. The importance of participation in the activity of the party, therefore, is great; for, as will appear in a later study, the class of persons who are elected to office in any one of the various governments will be largely determined by the action of the individual citizen in the precinct of the wards of the city in which he lives. Every moral question, therefore, which arises in relation to politics is capable of local consideration or action. One of the most serious dangers which besets our democracy is the unwillingness of citizens to face the tasks which lie in the very nature of democracy itself. So long as there is no moral interest in public life, so long the party and the members of the government who are elected will be indifferent to the desire of good citizens who are too indifferent to partake in the political life of their precinct.

III. Investigation

The National Constitution

It is obvious that the investigations which can be made by a group in one month must be superficial, yet if they establish certain attitudes in the minds of the investigators and reveal certain fundamental aspects of government they make a basis upon which more intelligent action can be built up.

Of course, in the investigation of the national government, one must take some account of the basic document by which government checks itself; that is, in the United States, the Constitution. Most boys and girls in the public schools at some time or other become familiar with the articles of this Constitution, and its various Amendments. As the years pass, however, impressions fade, and the average grown person has only a vague remembrance of this historic document. It is suggested, therefore, that each student of this course should re-read the Constitution with its Amendments carefully and thoughtfully, considering in what ways this document actually affects the individual lives and the prosperity of the community in which he resides and the state of which he is a citizen. One who reads his United States history cannot fail but feel confident that in its beginnings this Constitution represented the Christian attitude applied to government. It is worth while to ask, not in a hypercritical spirit, but with a real desire to know, whether those attitudes have been represented throughout the decades since the birth of the nation, in the modifications and additions which have been made to this fundamental document.

The Governmental History of Your Community

Most communities have gone through a period of change in the process of growth: they have changed from hamlets to villages; from villages to boroughs or cities. These changes have also involved changing personnel and types of organization in government. What changes in government has your community passed through? What were the reasons for such changes? Were they the result of normal growth, integrating community life, and the promotion of the common interests of the people, or were political leaders, who had personal ambitions to serve, back of these changes? Were there questions of local history which led to opposition to change. For instance, in the case of one hamlet near the city of Chicago which held to its village organization for decades beyond the time when it would normally have become a part of the city of Chicago because in the charter of an educational institution located in that village there was a prohibition clause which would have been vitiated or made impossible of observance by annexation to the city? Frequently local issues of this or some other kind have influenced changes in the form of government of the locality.

Has your political leadership been colored or decided by some commercial aspect of the life in your locality? For instance, are there great industrial or capitalistic interests which were so influential in the founding of the town that they have been the deciding factor in political issues? Has the influence of a particular religious group been dominant in such a way that people of other religious groups were not able fully to express their will in matters of government?

Have racial groups in any way influenced the governmental aspects of the community? It is obvious that unless one is able, through keen analysis, to discover *why* the government of his locality is just what it is, whether it be satisfactory or unsatisfactory to him, he cannot intelligently perform his duties as a citizen, and unless he knows his community historically, he cannot fully appreciate its present governmental problems.

The Present Situation in the Community

a) On the background of the history of movements and political issues with their results which have been discovered in the preceding investigation, one can orient himself in the issues of the present. The public library, newspaper files, the reminiscences of old citizens, will all contribute to a historical study, but for the real issues of the present, one would do well to go to those who are actually carrying on the government. Not many people, of course, can personally interview or become acquainted with the president of the United States, senators or representatives of nation or state. The partisanship of many newspapers is also a barrier to a knowledge of the genuine character and position concerning vital questions of national government of those who carry it on; but if one really *wants* to know the truth, there are usually in print books and articles from reliable and nonpartisan sources which are available, and back of the "news" one can see the character of a man or group of men if he keep watchful eyes. "Straws show which way the wind blows." Moreover, every one of those public officials in high positions belonged to a local community somewhere. How did he stand there?

Do all the intelligent members of your community know by name those who represent them in Washington or at the state capital? If living in a city, do they know the names and the characters of their mayor and their aldermen? These men expend the many millions of dollars that are collected in taxes and each member of the community is a taxpayer. Do you count upon the alderman of your ward to spend that money wisely? If so, how much is he hampered by men of a different character in other wards?

What is the attitude toward politicians in general in your city? Do people segregate them as a class in their thinking, or do they regard them as individuals and estimate them according to their education, their character, and their ability to carry on the work for which they have pledged themselves to their constituents? If you wanted to influence your senator or representative, or even your aldermen in your town, how would you go about it? We take it for granted that the favor which you wish to ask is of benefit to the community.

b) Who levies the taxes in your community? The attitude of complaint toward taxes is very popular. Will you try to make a list of those things that the government of your state and your community, respectively, provide for you out of the taxes which are paid?

Make an analysis of all the privileges which you and the members of your family and your community each enjoy, which are not the product of direct purchase, except as the money which is paid to your government represents that purchase. If you will take the trouble to visit the headquarters of your water supply, your sewage disposal, of your city lighting system, and the many other public privileges, you will, perhaps, feel more generous as a taxpayer. From what sources other than private individuals does your government derive income, and what is the total approximate public income of your community in a year?

One of the important departments administered by the government of the large towns and cities is the police department. Who is responsible for the appointment of the chief of police? Is he likely to use the department as an avenue for giving undeserved favors or political rewards? Are there any schools of training for the policemen, or is there an educational or I.Q. standard?

c) Your vote is the medium through which you act in influencing the government under which you live, whether it be national, state, or local. What is your community doing with reference to preparing its young people to cast their votes intelligently? What organizations of voters are committed to the program of education in citizenship? Are the men and the women of the community equally interested in their privilege of voting? Have you any organizations of voters which undertake to find out and to inform the general public about the character and fitness to perform their tasks of those who are considered for public office? These organizations of the voting population should be aids to government. Do you belong to any of them?

d) Is there a political ring in your community? What is its manner of operation? How do people get into it and how do they maintain their places in it? Is there a political boss in your community? If so, how does he operate? By what means does he maintain his power? Does he do acts of kindness for which he does not expect "votes"? If he expects "votes" for the favors which he bestows, how open is he in the solicitation of these votes? Does he work by contract or by "understandings"? What is the relation of the political boss and the political ring? How would you classify the political leaders of your community as to their honesty, their influence for morality in the community, their interest in religious groups, and the company which they keep?

e) It is worth while to know the political attitudes and background of all the newspapers of your community on questions of government. Such a study, justly made, takes time, but if it is once commenced one instinctively follows it out from month to month.

f) The state nominally provides education for all the children of your community. Is this task well done?

Are there any opportunities for the abuse of the power of appointment of teachers, the consumption of supplies, the employment of engineers or janitors, because of the fact that men "higher-up" are not of high character? If this is so, are not the voters responsible? Is it unfair to say that the government has done its best but the voters have put the wrong men in charge of their government?

IV. Christian Aspects of Government and One's Relation to It

a) Suppose that one were to take it for granted that all the men who are in governmental position through the influence of your votes and those of your community were Christian men, or, no matter what their personal religious faith, were acting in a Christian way, what changes could you point out as likely to occur? Begin with your own local government and in imagination place in every political office a man who can be expected to regard the welfare of his fellow-men more highly than his own, or at least as highly as his own, and reflect upon the effect. Is it possible to bring about some of these changes by the application of the Christian spirit even in so far as you and your group of friends and acquaintances can operate, under the sense of the responsibility of the Christian citizen to his community? Each of your friends has also a circle of friends, and ever widening circles of friends, each exercising the Christian standard, might accomplish something that would be helpful to the government of your community.

b) Would the church feel less averse to participating in the civic life of the community if it were filled with members who regarded their citizenship as a sacred obligation? Could the church do much of the work of the special education of the boys and girls, young men and young women, for citizenship? Could the church, if all its members voted for the righteous candidate, men of honor as well as judgment, stimulate and educate the elective power of the community? Would such interest draw into the church many young people who are not now attracted to t? Would the general effect of such interest on the part of the churches end to all the life of the community a unity of interest and activity? Some churches have opened their buildings for voting. Is this a good thing? If votes are cast in the church, are they more likely to be cast for the right sort of candidate? Is it necessary, in order to be Christian in one's attitude toward citizenship, that one should always agree with the political ideals of even men of high character who are candidates for office? Does the democratic spirit imply that within the Christian way of thinking and living there may be several different political ideals or opinions which are worthy of consideration and a constituency?

c) Do you think that women are liable to change the character of elections, because of their "greater ability to carry their Christian convictions into their civic thinking"? A few years ago there was a general opinion that this would be the case. After several years of experiment since women have been given the privilege of voting, what do you think about this matter? How is it in your own community? For that must be your immediate field of discovery.

d) How far should one's personal relations with friends, relatives, etc., enter into his political relationships? Does Christianity teach us to consider the lesser or the greater good? Is it disloyal to pass over, with one's vote, a personal friend in order to vote for one who seems better qualified for the office? Suppose a friend wishes one to vote in a certain way and an obliging Christian gentleman feels that he ought to do as his friend wishes. Is that a sufficient basis for deciding how one will cast his vote?

e) Finally, is this privilege of Christian citizenship a sacred obligation for which one must prepare and in which one must struggle to do the right thing, not only for his own satisfaction but because as a member of the community he cannot escape his share of responsibility for the welfare of the whole community, in matters like that of good government, which may seem somewhat remote from his personal life, but which in reality touch him and each of his fellow-citizens very closely?

REVIEW QUESTIONS

1. Give the author's definition of "the state."
2. Is too great emphasis on *nationalism* an unchristian attitude? If so, why?
3. What do we mean by *the sovereignty of the state?*
4. For what does the state, ideally, exist?
5. Distinguish between *the state* and *the government.*
6. What happened when America illustrated in practical fashion the principle that government exists for men, and its only authority is derived from the consent of the governed?
7. Why is not the ideal of good government as "simply to restrain men from injuring one another" sufficient?
8. Suggest some of the creative activities of government.
9. What is the form of government of your own village, town, or city?
10. Since taking up this study, with whom of its officials have you actually talked? Have you anyone in your vicinity who is connected officially either with the state or the national government?
11. What sharply distinct political parties exist in your community?
12. Are any of these parties identified with special interests or special religious or racial groups? If so, how?

13. In reading the national Constitution what evidence did you find of Christian attitudes in the nation, at the time of its writing?

14. How do you feel when you cast your vote as compared with the way you feel when you go to church?

15. How much study do you give to the problems of your own community such as might be influenced by your vote?

16. In the last election for president of the United States (if you are a citizen of the United States) how much did you actually know about the personal character or the statesmanship of the various candidates?

17. What qualities of Christian character does a man or woman need who has to hold public office in any capacity, whether for village, town, state, or nation? Make the answer to this question a three-hundred-word statement.

STUDY III

LAW AS THE WILL OF THE COMMUNITY

I. Historical Introduction[1]

To the majority of people law is visualized as a statement written down somewhere, having back of it the authority of national, state, or local government. The process of how the law came to be written down, whose opinion it represents, and how little those members of the community who are appointed to enforce the law had to do with its creation is too frequently unknown territory, especially to law-abiding citizens; for people become law conscious in the breaking of it.

It is necessary for the appreciation of the meaning of law to get a better knowledge of the origin of law. There is one nation whose history can be rapidly surveyed in which the phenomena connected with the growth of law can be traced objectively through documents easily accessible in the Old Testament. The Hebrews, when we first really become acquainted with them, were struggling with the problems of nomadic life in a wild country. They carried with them traditions of shepherd life in Egypt, and their subsistence was still that derived from flocks wandering from place to place. Following an inward urge for a more settled life, they passed through many years of struggle in their efforts to become an agricultural people in a fair portion of that part of the world with which they were best acquainted. They were successful in amalgamating or driving out the earlier inhabitants of the land of Canaan and took over pasture lands, vineyards, fertile plains, and wooded mountains. They established themselves along the great highways of the caravans passing from Egypt to Assyria and back again, and within a few centuries had transformed strong Philistine and Canaanitish cities to strongholds of their own people. They could now be called a nation politically and geographically. They had well-established frontiers and highly civilized cities. But their geographical location on the pathway between warring countries rendered political independence impossible and after a few centuries the land was devastated and the unfortunate people transported to Babylonia. Here for decades close contact with Babylonian civilization and ideals, as well as physical environment, wrought great changes in the life and thought of the people. At the next stage we find them a closely knit, somewhat fanatical group, building up in Palestine a religious community whose spasmodic political pretensions were smothered almost before they were born. It is easy to see that few of the laws, under which a people who were passing through such rapid changes of location and environment lived, could remain the same. The law which was essential in nomadic life would hardly be adequate for city life. The law which emphasized broadening social ideals would not be adequate for so exclusive and self-centered a group as the religious community of the restored Jerusalem.

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[1] G. L. Chamberlin.

There can be no more interesting study than the comparison of three representative bodies of law which stand out conspicuously in the literature of the Bible. To one of these we probably find a reference in Exod. 18:16–20 where Moses, weary of the exacting work of acting as judge in the disputes of his people, said, "Whenever they have a dispute they come to me that I may decide between one man and another and let them know the statutes of God and his decision." (Read this whole section and note the advice of Moses' father-in-law in regard to the administration of these "statutes and decisions.") What were these statutes and decisions? Doubtless many of them were customs, habits of conduct which had proved to be satisfactory in the relation of men with each other. Respect for property had proved itself to be necessary. A certain amount of respect for human life, for social institutions such as the family, and for habits of worship had also developed. Of course all of these customs would not necessarily be original with the Hebrews for certain great principles of social organization had become a common basis of life among civilized peoples, and the Hebrews had not been without contacts with civilization.

The Convenant Code

Just when the first code of laws actually originated, it is difficult to say. Moses is credited with being the "lawgiver" of the Hebrew people and it is quite possible that the reason for that is that some verbal codification of certain essential principles of human living were the result of his relation to God and to the people. If there was such a customary code established by Moses, we find no mention of it in the disorganized period after the Hebrews entered the land of Canaan, the best picture of which we find in the Book of Judges. A graphic statement is contained in the verse with which the book of Judges closes, "In those days there was no King in Israel, and everyone used to do as he pleased."[1] Yet it is altogether likely that even in those turbulent days there were at the sacred places men who instructed the people in the oral law; and a little later, men like Samuel were going about from place to place performing an informal judiciary function.

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[1] The Old Testament. An American Translation, by J. M. Powis Smith.

In Exod. 20:2–17 we have what is termed the "decalogue" and in the same chapter, beginning with the 20th verse and carrying on to the 53d verse of the 23d chapter, we have a code of law which is probably the earliest written law of the Hebrews, having its origin, however, not in the minds of those who wrote it, but in a body of custom and judicial acts which had come down orally or in written fragments from a still earlier period. One difficulty about a study of the law of the Hebrews is apparent in this code as well as increasingly so in later ones—that is, in the estimation of the Hebrews, laws had their origin in Jehovah just as politics were related to him. The Hebrews never separated their religion from their thinking in other realms. Jehovah was the head of the state and as such all law and government centered in him. For this reason, all the law codes of the Hebrews contained a very large proportion of clauses relating to worship and to distinctly religious practices. But among them one can select laws which are more distinctly social, that is, laws relating to property and to slaves, to relations with people not of the Hebrew race, to officials, etc. Even the religious laws help us to trace changes in such things as the place and periods of worship and the nature of the sacrifices.

It will be interesting to examine rather closely this earliest body of laws which follows immediately the decalogue in Exod. 20. (*a*) In the section 21:2–11 the rights of masters and slaves are well defined, but the section contains no reference to circumstances which would not arise in a primitive agricultural community. Freedom for all slaves is given in the seventh year. (*b*) In verses 12–14 we note that the wilful murderer must die, but he who kills by accident may flee to a place designated by God, that is, to a local shrine of some sort where he will be under the especial protection of God, and from which he cannot be taken. (*c*) Verses 12–36 relate to injuries of men and women, cattle and sheep, and to destruction of grain fields and vineyards, all reflecting early life in Canaan. (*d*) Chapter 22:1–27 contains regulations concerning theft, cheating, oppression of the poor, but all reflect an agricultural atmosphere, even to the regulation concerning the holiday for the land in the seventh year, when pastures, vineyards, and olive groves "shall be left free for the poor and for wild animals to eat." (*e*) In chapters 22:21 and 23:19 the attitude toward foreigners or aliens is shown to be kindly and unrestricted. (*f*) We are impressed with the fact that the religious feasts were home affairs —times of simple rejoicing in one's own community (vss. 14–19). These were one celebrating the coming out of Egypt; one celebrating the first fruits of the year; and a third celebrating the harvest and the ingathering of the vineyards and orchards. It will be worth while to read the whole code, running through the three chapters, 20 to 23, noting afresh how sensibly it must have expressed the will of the people, and how completely it cared for the simple necessities of life in a primitive and agricultural community.

The Deuteronomic Code

The second legal code which we observe in Hebrew history is called the Deuteronomic code and is contained, along with a great deal of other picturesque material, in the book of Deuteronomy. Possibly four hundred years had passed, a period in which great changes had come to the Hebrews as a people. The early monarchial community of all Israel under David has long since passed. Northern Israel, after some two centuries of rising and waning prosperity, has been wiped out by wars and finally by the invasion of the Assyrians, the deportation of the people, and the repopulation of the land by foreigners. Judah alone now represents the nation. The temple at Jerusalem overshadowed all other sanctuaries, of which there were still many scattered throughout the land. There was constant intercourse with foreign nations, and foreign customs and alliances, political and personal, were deeply rooted in the life of the people.

The reign of Josiah gives us a background for the introduction at this time of a revised legal code. Read the account in II Kings 22:1 to 23:30. The new Book of the Law, which wrought such a change in Hebrew life in 621 B.C., was said to have been found in the temple when a general housecleaning was taking place. This attempt to restore and renovate the temple came after more than fifty years in which idolatry, witchcraft, wizardry, and everything else "abominable" had been rampant in Judah and Jerusalem. Manasseh, who had shed much innocent blood of prophets and priests, had died after a long reign and had been succeeded by his son Amon, who was killed by a conspiracy after only two years. The kingdom fell to a small boy who was doubtless brought up in the way he should go by priest and prophet, who, zealous for Jehovah and his land, took this opportunity (possibly made the opportunity) to get control of the government. At all events when the time was ripe, Josiah, now a young man, could be depended upon to carry out the new code, and it was providentially found right at hand in the temple. No one knows who was responsible for the re-writing and more systematic codification of all those existing laws of Israel which it had seemed wise to the writers to retain, or the addition of such laws as had not perhaps been contained in any former code. But it is hardly probable that prophets and priests would have been ready to sponsor the boy king if they had not been long preparing for this emergency. Of course the great emphasis of this law was upon the religious situation (Deut. 12–26). It represents a drastic effort to do away with all places of worship save the temple at Jerusalem, and to clean up the priesthood by allowing no priestly activities and no sacrifices or altars except in Jerusalem. It was expected to fill the people with a warm enthusiasm for Jehovah and for his religion because of its emphasis upon the steadfast love which he had shown for his chosen people. But the writers of the revised code did not neglect to incorporate in it laws upon those very questions which we found interesting in the earlier code, slavery, family life, property, relations with foreigners, and the like.

The way in which the old law was handled is very well illustrated in the case of the decalogue. Reference to Exod. 20, where the decalogue seems to form a part of the covenant code, shows that the command to keep the Sabbath day holy is reinforced by a certain reason, namely, that in six days "the Lord made heaven and earth, the sea, and all that in them is," resting on the seventh day. In Deut. 5, where the decalogue appears in the new code, the reason for observing the Sabbath day is in order that all may rest, *in memory of the fact that long ago when the Hebrews had been slaves in Egypt, God had brought them out of bondage.* Now it is altogether probable that the original laws were short, represented by the "thou shalt" and "thou shalt nots." Obviously, if they were inscribed upon stone they must have been in very short form; indeed, they are sometimes spoken of as "the ten words." As time went on, however, reinforcing reasons were added to the briefer statutes, as in Exod. 20, but were not considered essential, for we find the author of the Deuteronomic code disregarding the old reason and inserting one which was more in harmony with the whole spirit of the code, saturated as it was with the idea of the love and care of God.

Let us examine this second code in some of the same particulars which interested us in that of the earlier period. Chapters 12 to 22 of Deuteronomy probably contain the code itself, which was presented in a dramatic representation of Moses delivering a series of addresses to the people previous to their taking possession of Palestine. This dramatic device was quite in harmony with the Hebrew literary method. It was a literary custom to attach to a piece of literature belonging to a distinct type the greatest name in that field of thought. Moses was always regarded by the Hebrews as the founder of their law. It was natural, therefore, that this new code should be presented in such a way as to bear his impress. Notice (*a*) that in 17:8–13 for special judgment all must go to the central sanctuary, that is, to the temple at Jerusalem, but there is recognition of the fact that there might be cases of injury which cannot be foreseen, and for the judgment of which a long journey to Jerusalem should not be required; therefore local judges are to be appointed (verses 16–18). (*b*) The nation has long been a monarchy, therefore 17:14–20 gives us a code for the king and a pattern for his character. (*c*) Since prophets have become a power with which to be reckoned, they also are given a paragraph 18:15–22. (*d*) In 19:1–11 we find that because the unintentional murderer no longer has a local sanctuary to which to flee, three cities are to be designated as cities of refuge, conveniently located for people living in different parts of the land. This number is to be increased to six if convenience should require it. (*e*) In 19:15 we learn that no longer can a man be convicted by a single witness, but two or three are required in order that a charge can be sustained. (*f*) In 15:12–15 we find that the slaves still go free in the seventh year, but instead of the open fields for the poor and the animals we have a remission year in which all debts are remitted. This reflects the fact that no longer is wealth solely a matter of fields and vineyards and cattle, but the laws are appropriate for a commercial people. (*g*) Chap. 15:1–11 implies that the poor must be taken care of all the time, not merely in the year of freedom, but (*h*) that foreigners need not be included in this broadening social regulation.

Thus far we can see how, as the nation developed and its idealism rose to higher levels and met more complicated situations, law was adjusted to conditions, and new laws were coming in, but it was the accepted, customary law which formed the basis of the Deuteronomic code.

We come now to the section which made trouble. The religious feasts which were originally home festivals, as required by Deut. 12:17, 26, and 27 must now be observed in common, and at set times and at the central sanctuary "where God dwells" in Jerusalem. Provision is made (14:23–24) so that one who lives too far away from Jerusalem to bring his own grain and his own animals for sacrifice may purchase at Jerusalem. The feasts are now to be city occasions and must be controlled and handled in a systematic and an orderly way. This law leads us to make a new observation, namely, that law arises through two distinct channels, one (which we have already observed) from the customs and the will of the people, the other out of the personal efforts of groups whose ideas may be contrary to the will of the people but who have sufficient power to get their ideas expressed in laws. This ruling in regard to the abolition of the old sacred places and the requirement that all sacrifices should be made in Jerusalem at set times represented violations of custom too marked to be successful. The King, obedient to this new law and supported by priests and prophets enforced the requirement, but upon his death not long afterward this portion of the law fell into decay. Its purpose had been to free the nation from idolatry, but a century later idolatry was still rampant and the religion of Jehovah, which the new law was expected to make popular, was in disfavor.

The Levitical Code

The third code was equally picturesque in its introduction to the people, but was forced by a situation altogether different. Idolatry was no longer the crying sin of the Hebrew people. In 587 B.C. the city of Jerusalem had been destroyed and all the people that were worth anything in the estimation of their Babylonian conquerors had been carried into captivity and settled along the banks of the river Chebar in Babylonia. Many of them were satisfied to remain in Babylon, but a nucleus of them who cherished the religion of Jehovah remained faithful to him, and among them arose prophets of distinction. A few decades later after Babylon was conquered by Cyrus (538 B.C.) a body of the Jews was permitted to return to Jerusalem, and gradually through the years this number was reinforced by others who desired to share in the rebuilding and rehabilitation of the old city. They joined there many people not necessarily Jews who had drifted in from the surrounding country and complications arose.

Our first acquaintance with the use of a new body of law is through the efforts of Ezra to enforce the law in the new Jerusalem after considerable progress had been made in recolonizing and rebuilding the city. An interesting account is found in Ezra 9:1 to 10:17. The occasion is the attempt of Ezra to apply to the limit a law concerning marriage with foreigners, a matter which was now particularly important because the new community was to be characterized by absolute purity of Jewish blood, and separateness from all other peoples, in a great attempt to create a people "holy unto the Lord." Another account of the reading of that law before the people is found in Nehemiah 8:1 to 10:39.

As we have seen by a comparison of the first and second codes, certain fundamental principles of social living were carried along and remained a part of the new code. Let us examine the third code, which we find largely in Leviticus, with respect to some of the things which we have noted in preceding codes. We shall expect to find a very small proportion of laws relating to social living, as this law had for its purpose the regulation of a religious community controlled by priests, pledged to separateness of life from all other nations, a people whose leaders felt that only by the cultivation of absolute holiness of life could God be induced to lead the people into the glorious future of their golden dreams, world-supremacy and world religious leadership. However, old laws persistently reappeared. People are briefly exhorted not to steal, cheat, or lie; neither must they take false oaths. They were not to defraud laborers, not to do injustice of any sort at any time, not to cherish hate and were to be kind to the alien. In chapter 19 the poor are to be remembered in the reaping of the fields. It would seem almost as if these principles had become so obviously a part of the idealism of the people that they needed to be dwelt upon but little. In 25:1 we have regulations concerning the land having rest in the seventh year. This rest is to be complete in every way, the produce being entirely uncultivated and left for the wild beasts. A jubilee year is appointed, the fiftieth, in which liberty is to be given to everyone and all land and property are to revert to their original owners. Jews must not be enslaved by fellow-Jews but must be treated as hired laborers, and even when they have sold their labor for a period of years it must be released in this fiftieth year. Only foreigners could be purchased as slaves, but there are regulations which indicate that even a slave might become rich. The atmosphere is not that of an agricultural community but a trading people, a complicated social life, with persons of marked difference of status in the community.

But the most conspicuous difference between this and the earlier code is the fact that it is meant for the control of a community held together by religious duties and conduct. Penances take up large sections of the code, for rules and regulations relating to religion and worship, holiness of life, social exclusiveness, were deemed, by the religious leaders of this time, essential to the preservation of the community.

Laws which do not arise from the will of the community but are forced upon the people even by loyal and devoted leaders do not accomplish their purpose. From this time on while the rigid religious laws were accepted by a constituency there was a constant filtering away to other lands and to a certain measure of freedom from obedience to the full law. It is this conflict between liberalism and conservatism that appears even as late as the New Testament period, and Paul is the great apostle of freedom from law which does not receive its confirmation in the conscience and highest ideals of those for whom it is intended.

II. How Laws Are Made[1]

The material of this study, so far, has been chosen, first, because it is so easily accessible; second, it so well illustrates the foundation of law in the will of the community, adjusting itself from generation to generation to new needs and new desires, and, third, because it enables us to see that even the highest religious motives are not sufficient to make laws which are practicable and acceptable unless they accord with the will of the majority of the community.

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[1] Shailer Mathews.

We are, of course, primarily interested in our American law, which is somewhat unique in that so much of it is not statutory legislation. The English common law is a formulation of custom rather than of statutes. As these customs became thoroughly integrated into the lives of the English people, they were gradually made the basis of decisions in the courts and thus came to have a legal bearing.

This illustrates the fact that law is the will of the community, for while it might be possible for a tyrant to superimpose his will on an entire community, no custom would grow up without the consent of the community it characterized. The general principles of justice which experience proved necessary gradually formulated, although the practice of making statutes in legislatures was much later. The common practice—that which was usually done—became the dominant element in the social life of the English people and was protected in the courts.

When the English colonized North America the principles of the common law came with them to the strange land. There the new experiences which were theirs as they faced the wilderness also gave rise to customs and regulations which were the outgrowth of experience itself. Thus, for instance, when it came to a question as to which should have the water power during a period of drought, the sawmill, the gristmill, or the woolen factory, the answer was reached on the basis of what would seem to be of most importance to the community, that is to say, the grist mill. So in many other matters the exigencies of frontier life compelled the adoption of new types of organizations and readjustments, but most of these changes were supposed to be carrying out the general principles of the common law, which the colonies had brought from the mother-country.

The will of the community finds expression in the laws in a different way; that is, the community elects people to make statutes and gives the state the power to enforce those statutes. In American life, these law-making bodies are very numerous and the number of new laws passed is incredibly large, running into the thousands every year. There are local laws, state laws, and national laws, each class of them being passed by a body of men chosen for that purpose. It would be a mistake to think that the action of legislatures is limited to the passing of regulations of the community as a whole. A very large portion of the work of the legislatures consists of the passage of private bills which make legal the action of private individuals, but the idea is the same—that the bill is in accordance with the Constitution and treaties of the United States, and the Constitution of the state in which it is passed. It may be questioned in the courts and if it ceases to have back of it the authority of the state it cannot be enforced if it is unconstitutional. In rendering decisions the courts also take into account national and other legislation as well as precedents.

One does not need to know in detail the method of legislative procedure to realize that there is a distinct contrast growing up between that which is theoretically planned and that which actually occurs. The action of the lawmaking body very frequently is far enough from expressing the will of the community and it is often true, unfortunately, that some legislative action is opposed to the best interests of the people. When this situation arises, the duty of the good citizen is at once apparent. Through constitutional methods he must seek to bring about better legislation. The community cannot be maintained in safety or hope when those who make the laws are unresponsive to the best interests of the citizens. The only possible solution for the difficulty which then arises is for the public to elect new legislators.

It would be a mistake to think of law as self-enforcing. As a matter of fact there are a great many people who do not wish to obey law or who wish to take unjust advantage of its provisions. For this and other cases of failure to conform with the laws, courts are appointed whose business it is to decide whether various claims are legal or not. When the courts decide that one has acted contrary to a law, he then is punished by the state. Law, without the operation of the courts, would probably accomplish very little, for the decisions of the courts are enforcible by the state.

But in all these circumstances and throughout all these various institutions can be seen the operation of public opinion.

> The generally accepted moral standards of the community will have a powerful influence upon the court in its quest for a rule to be applied to any controversy before it, but they will not necessarily be controlling. It must be remembered that the law does not have the same position as religion, or ethics or morals. It is not concerned with developing the spiritual or moral character of the individual, but with regulating his objective conduct towards his fellows.[1]

Nothing could be more misleading than to think that it is the purpose of law to take the place of religion or of religion to take the place of law. They are two separate operations which can co-operate with or oppose one another. Thus in some communities certain forms of religion no matter how earnestly championed are illegal. On the other hand, sometimes law makes permissible acts which the highest conscience of the community would not approve. It is at such moments of contradiction as this that the honest citizen finds himself at a loss to know just how to proceed. Realizing, as he does, that law must ultimately rely upon the public opinion of the community that has elected the legislators he knows only too well, also, that in many cases the public opinion itself needs transforming. The honest moralist will never limit the operation of his conscience by simply declaring that a course of conduct is illegal. On the other hand, the Christian man will be very slow to violate a law on the ground that it is immoral. Undoubtedly there will be some cases in which the conscientious objector will persuade himself to violate a law and so be exposed to penalties, but in the long run the tendency of legislation is to respond to the ideals of the community. When such ideals are shared by a majority of legislators, they are likely to be expressed in some sort of reform legislation. Then arises a new situation. Instead of the conscientious man being the one to suffer from violation of law as in the previous case, he is now in position to enforce his ideals through the courts and the police as well as other agents of the state. If the ideals which have been turned into legislation command a sufficiently widespread obedience, then the new legislation can be enforced with average success. When, however, such laws are met with widespread disapproval, it is very difficult to administer them and, as in the case of the prohibition laws, there may be opportunities for great financial profit in helping persons to become violators of the law for personal enjoyment. Persons who criticize such laws are compelled if they would be fair to find out whether the will of a sufficiently large majority of the community is represented in a given law. If so then in a democratic country it must be upheld. Such tension between law and the people will never be solved by coercion alone, for while this may be possible in undemocratic states, in a country like the United States, in the long run the law, to be enforced, must represent an overwhelming public sentiment. It is a dangerous policy for a minority to attempt to enforce its ideals. Many of the worst terrorists of history have been idealists who got control of police power.

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[1] Professor Morgan, Harvard University.

The method which the churches must follow is, at the basis, educational. That is to say, they must help develop a public opinion which will support the ideals that are of real value to the community. Of course, they will also insist upon law enforcement as a great moral principle, but if they are wise they will also develop an intelligent response on the part of people to that which is to their own best advantage. In this way the churches can affect lawmaking. For them to attempt to coerce legislators, terrorize them, or in other ways to mishandle them is just as wrong for the church as it would be for the saloons. Christian people must attain Christian ends by Christian means. To do anything less is to run counter to the principles of Jesus Christ.

We are constantly tempted to say that the enforcement of law is none of our affair and that politicians are dishonest. What Christian citizens should really remember is that laws are a reflection of the operating ideas of the community, and that if these ideas are unjust then legislation will be unjust. If public opinion is intelligent and alive to the dangers and possibilities alike, then the lawmakers will be more apt themselves to be intelligent and well-disposed. But in a democracy like the United States we cannot safely turn public affairs wholly over to men who make their living from public office and are professional politicians. There must be also a participation of men and women who are really those for whom laws are made and who must come under the influence of such laws. It is they who must furnish that public opinion which will determine or affect the making of laws until the democracy is really sensitive to its own needs and is intelligently guided in satisfying those needs. Until then legislation is apt to be crude and productive of injustice.

III. Investigation[1]

This question of law as the will of the community has so many bearings and can be followed out in such elaborate as well as such simple investigations that much more is suggested in the following paragraphs than any one group of persons can be expected to do. There is a large variety, however, and each person will wish to choose some special point or series of points toward which he will direct his investigations at the present time, reserving other topics for the future. His decision will be guided very largely by the conditions in his own community, for all investigation must start from the point where it can be directed toward objective things going on in the local community.

What do we mean by the "will of the community"? It is necessary for us to get a clear understanding of that term in order that we may use it intelligently. Can we speak of it as crystallized public opinion brought to the point where it can command the respect of not only the majority of the community but a very large proportion of the community and thus may truly be said to be representative of it?

1. Our first step will be to find out what law is doing *for* us in our own community, for we will certainly consider law as creative and productive as well as repressive. Make an analysis of those laws in your community

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[1] G. L. Chamberlin.

about which you can learn. Perhaps the following outline will help. (1) What laws are there which protect from (*a*) disease, (*b*) loss of property or life, (*c*) accidental injury, (*d*) fire or flood? How many of these laws came down from earlier times and represent the public opinion of centuries? How many were formed to meet new conditions? Are laws of this character most likely to voice the will of the people? Why? Does the location of your community or some phase of its industrial life affect the character of the laws of this group? Which of these laws are purely local, which are state, which are national, and why the difference? (2) The United States and many civilized countries are seeking to secure an intelligent citizenry. This objective must surely be the will of the people. What laws are in operation in your community which have as their objective increased intelligence? What limitation of age obligation have these laws? Can they insure universal intelligence, or in what respect are they unsatisfactory? What effort is being made to change them? Do you know anything about the adult education movements which are being fostered by universities under state control? Do these organizations affect your own community? Do their efforts emanate from lawmaking bodies, or are they the result of the plans of educators? Write to your state university and find out what co-operation they have from the legislative body of the state. Do the people of your community uphold in every way the legal requirements of the public schools? If not, where is the breakdown?

2. How does law protect those who labor in your community from the dangers of overwork, lack of employment, underpayment, distresses accompanying illness or accident, or the wearing out of children? Are the laws in this group fair to both employer and employed? How many of these voice the will of the people as a whole, and how many emanate from special classes in the community? That is, is labor obliged to protect itself or does the community will co-operate with its efforts? How many of these regulatory laws are national, state, or local? (A careful study of the child labor laws of the different states and the history of the whole subject in reference to the nation as a whole would be most interesting and profitable.)

3. What housing laws exist in your community? How many of them are observed? Why do not these laws function? What was their origin? Can a man build however and wherever he pleases? Is he free to use his buildings for any purpose which suits him? Find a case in this connection and trace it back.

4. What is the history of the laws in your community relating to the safety of the streets? Run these back to their beginnings and find out

what progress changing conditions have brought about. Who is responsible for this progress, the community as a whole or certain factions in it? If you live in an old town, this subject will be a very interesting field of discovery.

5. What laws protect the families of your community from disintegrating, from poverty, ignorance, cruelty, homelessness? Are they adequate? Are the divorce and separation laws just to all people? Are the laws of the different states alike in this respect? Is your state among those having the fairest laws?

6. Are there marked classes of society in your community whose special financial interests lead them to work for the passage of laws which benefit the few rather than the many? If so, are the means employed to effect legislation always legitimate? May a law that is championed by a few sometimes represent the best interests of the whole community yet not represent the will of the majority? Do you know of such circumstances?

7. Did you ever help to make a law? Trace the path which your influence and that of any ordinary citizen follows in lawmaking, beginning with a law which is operative in your own community and is, at the same time, a national law. Do the same with a state law.

8. What relation have newspapers to lawmaking? Can one always count upon even the most prominent newspaper to favor a law which a majority of the best citizens champion? If not, why? How fully do newspapers represent public opinion in your community?

9. After your study of your community, write down the existing laws which you would like to have repealed and a statement of new laws which you would like to see in operation. Decide which laws on either side of this list represent the best interests of the community as a whole.

IV. The Christian Attitude toward Law

If we have by our study gained what we should, we will certainly feel that the Christian attitude toward law has several aspects.

1. It must be regarded as a part of one's Christian duty and living to acquaint one's self with the laws under which he and his fellows live. He should know whether people as intelligent as himself have created these laws and sponsored them in legislatures, city council, or other legislation bodies. If not, he should raise the question whether he has done his best to assist in placing in lawmaking bodies the right men.

2. We shall see that in Christian living is involved one's own observance of a law as long as it remains on the statute books. There is an equal

obligation to see that laws which are obsolete or cannot be made to function shall be revised or removed from the statute books, so that no citizen shall be able to quote such a condition as extenuation for disobeying laws which are *not* obsolete.

3. The Christian citizen has a direct responsibility toward the next generation. People tell us that the youth of today have no regard for law. If this is true, then it is high time that those agencies of education which are supported by the state and the church should work more diligently to develop respect for law, and knowledge about the origin and growth of law, at as early a stage as pupils are able to receive it. Much of this attitude of scorn for law comes from homes where law is disregarded by parents. The church can go into the homes with its message of respect for law. It cannot do so, however, unless it also becomes active in the creation of law by its intelligent interest, its advice, and its counsel.

4. Christian people can manifest a spirit of friendliness toward the idea of law in its protective aspects. Children can be taught to understand and appreciate the necessity for, and the protective value of, fire laws, laws about theft, drinking, gambling, etc. The protective aspect of law is the constructive approach for childhood and youth, and from a desire for protection for one's self will grow the attitude of a desire for protection of others and the whole community.

5. The Christian attitude will not permit a person to keep his intelligence to himself. The cultivation of public opinion in relation to law will be his constant practice, and when problems arise in the community which can be influenced in any way by the action of individuals he will consider it a public duty to work toward the promotion of the right attitudes on such matters.

6. Above all, the Christian attitude will require that right lawmakers be chosen for legislative activity, and that infidelity to obligations to constituents shall be promptly punished by removal from office at the earliest opportunity.

Possibly the church as an organization may not too liberally indulge in such politics as are matters of opinion and upon which good people of its membership will be on both sides of the question. It can, however, be ceaseless in its endeavors to create a more intelligent community and to see that Christian fellowship is a primary element in community life even among people engaged in opposite camps of political issues. It can also throw its full strength on the side of observance of law, insisting that laws must either be observed or removed from the statute books.

REVIEW QUESTIONS

1. What is a law code?

2. Upon what are law codes based?

3. Why does the history of the Hebrews provide a good basis for the study of the way in which law arises?

4. What three Hebrew codes are we able to study?

5. To what type of social and political life was the earliest code Exod. 20–23 adapted?

6. What was the circumstantial background of the second code?

7. What was its primary purpose?

8. Where do we find it?

9. Illustrate by the decalogue in this code the way its authors handled earlier laws.

10. Point out some of the differences between the covenant and the Deuteronomic codes.

11. What phases of the second code represent the "will of the people"?

12. What portions represent a small minority?

13. Where do we find the third code?

14. With what period of Israel's history was it associated?

15. Upon what was the emphasis placed in this code?

16. How does the origin of law in America illustrate the rise of law out of the will of the people?

17. What do we mean by "common law"?

18. Name the lawmaking bodies which you know in the United States, and define their functions.

19. Do you know any person or group of persons who are interested in the passage of a bill? Is their interest related to personal financial gain or to the welfare of the public?

20. Give a history of any law which has become effective in your community through the activity of Christian people.

STUDY IV

OFFICIALS AS THE AGENTS OF LAW ENFORCEMENT

I. Introductory Analysis[1]

The agents who enforce law are numerous and are not always appointed in the same way. In some cases they are elected by a community, and at other times they are appointed by some branch of the government. The task of raising and spending vast sums of money, of maintaining order among millions of people, and the enforcement of innumerable laws demands different types of officials. The chief business of various forms of government is that of making and organizing the law, but there are other groups of officials whose business it is to see that the laws are obeyed. These may be roughly classed under four heads: those officials whose business it is to administer the law; those who seek to prevent violation of the law, that is, the police; those who prosecute those who have violated the law, that is, the prosecuting attorneys; and those who judge the alleged offenders against the law and declare them guilty or innocent, that is, the courts.

The officials who administer the law are, as a rule, elective. Among them are the president of the United States, the governors of the different states, mayors of cities, selectmen, and town officials. Their relation to the law is that of the executive to the legislative. After the law has been passed, it is the business of these persons to see that it is put into operation in so far as such operation is possible. Of course, no one man could face all the problems that result from the continuous legislation of city, state, and nation, and for that reason there is gathered around each chief executive administrative groups whose business it is to see that the affairs of the government are carried on. Thus, in the national government we have the secretaries of state, treasury, war, justice, post-office, navy, interior, agriculture, commerce, and labor. Each one of these secretaries has a large number of subordinates (some of them high in rank) responsible to him. Thus we have, for example, under the Department of the Interior, officials caring for the General Land Office, Indian affairs, pensions, education, Geological Survey, Reclamation Service, mines, national parks, and the territories of Alaska and Hawaii. Each one of these various divisions is in turn subdivided into many bureaus and boards. Thus it is apparent that the making and enforcing of the regulations of a government is no small matter. Most of the officials representing the interests of the federal government are appointed under the authority of the president and are paid by the federal government.

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[1] Shailer Mathews.

In a similar fashion the various states are organized with their departments and subdepartments carrying down the authority of the particular regulations which they represent to the individual citizen. Their duty, however, is not so much to enforce law as to administer government according to laws which the legislative branch has passed.

II. Law Enforcement Agents

1. To most of us the policeman is the one representative of the government and of law with whom we are acquainted. He is appointed, not elected. We see the policeman walking his beat, we expect him to protect us from all sorts of dangers and dangerous people, but we seldom speak to him, and we even less often appreciate the problems which he has to face. Somehow we think that about the only business of the policeman is to walk his beat during the intervals between chasing burglars, but if one should see a list of the duties of the policeman, one would have a very different impression. There are innumerable duties which the policeman must perform as well as a multitude of laws which he has to see are obeyed. So long as citizens obey the law, the police have little to do, but in a single city like Chicago there will be two hundred and fifty thousand persons arraigned in court each year for the infraction of some law. They will come from every occupation and profession. To arrest lawbreakers, however, is only a part of the duty of the police. They must also report accidents, and in a large city there are likely to be forty thousand of these in a single year. They must aid persons who need help to the extent of at least forty thousand more, and they must report, and if possible recover, missing persons to the extent of from four to five thousand every year. They must watch the observance of traffic laws for automobiles, the observance of building regulations, the maintaining of order in public meetings, the shooting of dangerous animals, the guarding of the polls during elections. In fact, the number of duties which policemen may be called upon to perform is so great as to be almost bewildering. Their pay is meager, as salaries go, and the dangers to which they are exposed are constant and often great. They cannot expect to be popular

among lawbreakers, and they are the object of suspicion or indifference on the part of supposedly good citizens. Yet the order and safety of the entire community is largely in their hands. They deserve our gratitude and assistance.

2. Closely allied to the work of the police department is that of the sheriff and his deputies. The sheriff, however, is elected and has for the field of his operations the entire county, while the policeman is limited to a single town. The sheriff is especially concerned with crimes of violence. He serves and returns writs and warrants, processes, etc. He is the keeper of the jail and has the custody of the building as well as the courthouse. In general, he may be described as being the especial agent of the courts, charged especially with carrying out their orders. He can appoint deputies, and sometimes has a very large force at his disposal. His income is derived mostly from fees which, in the case of a large county, amount to an enormous sum.

3. When laws are broken, it is the duty of the prosecuting attorney to see that proper justice is administered. Generally speaking, these attorneys are elected by the people of the county or by a group of counties. Only in four states are they appointed by the governor, and only in one by the judges of some court. The prosecuting attorney investigates crimes, causes people to be arrested or to be detained, either as suspected criminals or as important witnesses. He draws up indictments to be submitted to the grand jury, and conducts the trials of criminals. In fact, he represents the commonwealth in its punitive aspect.

The importance of the prosecuting attorney (or the state's attorney) is, of course, great. This office is also one of especial difficulty. In Chicago, for instance, the state's attorney for Cook County has to carry on cases in seventeen different courts, and he has an office force of eighty or more assistants. He is subjected to powerful political pressure since his office is the one directly concerned with prosecuting bootleggers, purveyors of vice, and other criminals, whose evil ways are very lucrative. Unfortunately, such men have too great influence with the party organization, and the prosecuting attorneys have often found it difficult to bring them to justice because of political pressure brought to bear on them, on their office, or on the courts. They greatly need the moral reserve which good citizenship can furnish.

It is a common complaint that good citizens will not co-operate with the courts or give evidence of their interest in the prosecution of crime except for short and intermittent periods. When one takes into account the constant pressure brought to bear upon the agents of law by those who wish to violate the law, the importance of constant and expressed support on the part of Christian citizens is at once apparent. Quite as truly as in the case of the police, the state's attorney needs to feel the co-operation and the observation of those who want the law enforced.

4. The ordinary citizen comes into contact with law whenever he is involved in any trial, whether civil or criminal, but perhaps his most personal interest lies in the jury system to which all citizens (with certain exemptions) are liable. Our jury system is an inheritance from the English common law. There are two sorts of juries, the grand jury and the petit, or trial, jury. The grand jury has for its main object the examination of persons or conditions and the bringing of indictments against persons who seem to have violated law. The grand jury works in close touch with the prosecuting attorney. When the grand jury, upon finding grounds for legal procedure, so reports to the prosecuting attorney, the machinery of the law is set in motion and the persons involved are placed on trial.

This trial is before the trial, or petit, jury. Citizens have the guaranty of the right to trial by a jury of their equals in most civil cases and in all criminal cases except slight misdemeanors. Service upon the jury is not regarded with much favor by citizens, but it is hard to see how the system can continue to be a useful servant of justice unless the average citizen recognizes the duty of jury service and also of acting as witness when it is necessary. The indifference of good citizens to jury service and their desire to be excused when such service is demanded is one of the real dangers of our democracy. No Christian man should fail to see the moral obligation he incurs by the fact that he is a citizen. One of the most important tasks of the church is the awakening of such a sense of responsibility. One must not merely keep the law, but he must co-operate with other persons in seeing that laws are enforced; but all this involves not only the participation in elections but also the support of the police power, the prosecuting attorney, and the courts.

5. As important as any officials in our entire government are the judges. There are a great variety of courts, some belonging to the nation, some to the states, some to the counties, and some to the cities. We have civil courts and criminal courts, courts of equity, probate, admiralty, domestic relations, morals. Here, again, we can see how complex our government is as compared with that of other nations, yet all of these courts find themselves overwhelmed with business.

The federal courts have to deal with matters which concern cases in law and equity arising under the Constitution, laws, and treaties of the United States, and all cases of admiralty and maritime jurisdiction. The state courts have to do with more local law violations and perform other functions which do not concern the individual directly. These state courts vary in different states both in name and in purpose, but, speaking generally, we may say that the lowest courts are those held by the justice of the peace. These officials are generally elected, and often they are persons of little legal training. They can issue warrants for criminals, solemnize marriage, administer oaths, etc., but their decisions are not final except in most unimportant matters, and appeal can always be had from them to the next higher court. In Chicago the office of justice of the peace has been abolished, so many were the abuses gathering about it, and the same thing is true in other cities.

A county court is held annually in every county. Each county has one or more judges who are elected by the people. The range of duties of the judge is very extensive, and these courts are very important.

The supreme court of the state is its highest tribunal. Its judges are usually elected, but in some cases they are appointed by the governor. There is also some variety in the names given to these courts, but they are important for the enforcement of law as, of course, is every court.

In addition to these main courts there are many others. Some of them have very distinct jurisdiction, as the juvenile court, morals court, court of domestic relations.

There has been no small amount of criticism of our judicial system. In the opinion of many of those most competent to judge, its procedure is antiquated and the danger of overtechnicality is great. The control of courts by politicians is always a source of danger to the cause of justice. Especially where judges are elected in a district with a law-defying population are they liable to be unfit. Here again we see the moral responsibility which is involved in citizenship. Unless the judiciary is filled by able and honest men, the whole system of government will fall into disorder. Good citizens will be as careful to elect honest and fit judges as any representative to legislature or governor of the state. Men are certainly singularly obtuse when they fail to see their obligation as citizens to respect and protect the agents of the law.

It will be evident from what has been said that the number of those who may be regarded as agents for enforcement of law is large, and, in fact, they constitute an appreciable fraction of the population. When they are joined together in organizations like parties, they are possessed not only of the authority to perform their respective duties but also to continue thus in office by virtue of their services to the party organization. In fact, it is impossible to dissociate political organizations from the police department or from the courts. The salaried office holders constitute the nucleus of the political party.

It is, of course, easy to act as if citizens had no responsibility for their officers but such an attitude not only promises collapse of democracy but it almost inevitably increases the dependence of the office holder upon those persons or organizations which can make the indifferent administration of law either lucrative or advantageous to the officer of the law. Criminals rush in where moral men fear to tread. Law will not administer itself, and officials are likely to be luke-warm except where public opinion compels action. It is unfair to blame law-breaking solely upon the police and other officials. They may be in part responsible, but the basic responsibility lies in the indifference of the average respectable citizen who feels no responsibility for either electing or supporting, when elected, men who are agents of law enforcement. It may be for this reason that Federal Courts and Federal officers are so much more feared. than the elective officials of the different counties and states. The United States' Government has an elaborate system for enforcing the law, its different districts have prosecuting attorneys who try cases that are in any way violation of the Federal laws. Among them are included the violations of the prohibition law, the illicit trade in drugs, and various other laws which bear directly upon all citizens.

III. *What Officers of the Law Themselves Say*[1]

Believing that a more vivid reflection of the actual conditions might be found in the opinions of people actively concerned in the enforcement of law, a request for co-operation in this study was sent to a large number of men, chiefly judges, who were conveniently chosen from the Chicago list, but who undoubtedly represent the situation as a whole. The large cities, of course, present more problems and in more acute form than the smaller towns, but the character of the problems is not essentially different. Over forty statements were made in answer to our request. There was some duplication in these but also a large variety. The one feature, however, which every statement emphasized was the indifference of "good citizens" to the whole problem of the administration of the law. This indifference manifests itself in many ways, some of which we shall summarize.

1. Our study of the foregoing analysis has pointed out that some of those people whose business it is to enforce the law are appointed while others are elected. Among those who are appointed, the most numerous are the members of the police force. There was at hand a man who had been a chief of police in a large city and had so intelligently served his

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[1] Based on statements received from various judges and public officials.

community and was so fully conversant with the life, duties, and problems of the police force that he was asked to name from the point of view of the police officer the aspect of community life which most frequently hindered efficient police service. He says, "The chief difficulty even among the very best people of the community is an hostile attitude towards the police officer. This hostility manifests itself in the failure of the citizen to cooperate with the police in apprehending serious offenders; the actual lending of support to law violators; disinclination to testify as witnesses; hindering the police in securing evidence by concealing facts known to them; adding to the natural hostility of the community by discounting the testimony of police officers, sometimes preferring to take the testimony of those who have committed a crime."

This is certainly an arraignment of the community that offsets in some measure the too common opinion that minimizes the honesty and sense of honor of members of the police force. Can the community expect to get honest and reliable service from men who are thus unsupported by public opinion and possibly under suspicion as connivers with crime? Our police authority goes on further to say that the "political mess" by which police officers are surrounded in our cities renders efficient service impossible. When the police officer feels himself to be the paid servant of a political "jobber" whose interests he must regard as primary, he must inevitably lose sight of the fact that he is the servant of the public. We shall have to analyze that statement in accordance with conditions in the different communities in which we live, as doubtless the amount of political patronage that enters into police service varies greatly in different cities and towns. The closing statement of our police officer, however, is worthy of very careful consideration. "What we need in this country more than anything else, is a complete change from the present attitude toward the police. They should be accorded support and good will rather than opposition."

The analysis of the policeman's job on page 49, has its perils along with its possibilities. One man's daredevil, foolhardy, drunken, or ignorant false move may throw out the whole system of the traffic policeman's difficult task, and may imperil many lives, including that of the policeman himself, who must, at all hazards, keep calm and direct the tangle which has appeared in a single moment. Who of us would like to take the place of this policeman for a single day, or if able would be willing to do so on the basis of the financial reward which his salary brings him? One purchaser of bootleg whiskey which he shares with his friends may bring about a succession of crimes including murder, yet an officer can, in nine cases out of ten, secure punishment only for the murderer, not for the purchaser of the whiskey, nor for the man who sold it. Who would like to be a righteous policeman under these circumstances? It would be easy to shirk and more profitable, perhaps, to keep still.

Moreover, the standards for judging the quality of a policeman's work are set by the type of men to whom he must report. "The policeman himself, promoted according to the number of arrests which he has made, embodies the use of violence, although he might be the greatest possible aid in an effort to substitute intelligent good will. The policeman who knows his neighborhood and is acquainted with the various gangs who live there, some of them innocent enough and others on their way to criminality, can exert an enormous influence for good. If success in maintaining order there with the minimum of force entitled him to promotion, this would in itself, go far to change the entire psychology of the situation."[1] The very fact that the policeman is armed suggests the use of arms, sometimes mistakenly. Interviewing a city policeman, a member of our Committee reports something like the following: "What does my job mean to me? Well, I am a great shot. I can hit a mark at one hundred yards. I am going to 'get my man' some day; then I will have my name in the paper and maybe a picture." Perhaps the temptation to shoot would sometime be stronger than the necessity. Do we emphasize in our requirements for police service the ability to catch thieves more than the ability to maintain order? In the appointment of policemen are men chosen whose qualities tend toward the first?

2. Many of the judges who responded to the question as to what attitudes in citizens chiefly hindered their work referred to the evasion of jury duty by men who bore the reputation of good citizens. The system of trial by jury reflects very ancient usage. In the legal codes of the Old Testament and in codes which antedate them (the Hammurabi Code, for instance) the right of a man to condemn another legally was limited in such a way that there must be more than one witness to testify against him. This early emphasis upon the right of the individual to a fair trial, coming down through the centuries in varying forms, has come to mean in our own country that not only must there be more than one witness to give testimony against a possible offender but that when the offense is serious there must be twelve men who shall agree upon the value of that testimony. It goes without saying that the higher the quality of these men, and the clearer their habits of thought, the better able they are to weigh the evidence. Yet what is the case? Some of the best people, as, for instance, ministers and school teachers, are exempted from jury

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[1] Miss Jane Addams in the December, 1929, *Survey Graphic* has a very able article entitled "Efforts to Humanize Justice." This article should be read if possible.

service. How seldom do we see men of importance in a community serving on a jury? How is it that they are able to evade the call to serve? Naturally it means loss on the part of the individual to give large blocks of time to the consideration of the evidence in any important case. There is also a possibility of disagreement of the jury and a long period of isolation before an agreement can be reached. Some sensitive souls also shrink from being a party to the condemnation of even a criminal fellow-man. But consider the problem that arises when the lives, or at least the future status in society, of men who have offended against the law, rests in the hands of ignorant men whose judgment is not trained, whose knowledge of human nature is unintelligent, and who have no familiarity with the discoveries of modern psychology in its relation to crime. Have judges a right to expect that Christian people, supposedly deeply interested in their fellow-men, shall not evade the service which our Democratic ideal has guaranteed to every man who violates the law intentionally or unintentionally, namely, the right to the fairest and most intelligent consideration of his case. On the other hand, a guaranty has also been made to the accusing citizen or prosecutor that he may safely rest his case with such a jury. Can he? In the words of some of the judges, here are the conditions: "Good citizens, summoned for jury service, avoid it for fear of being locked up for a period, or for other reasons of convenience"; "Because of the character of the jury, swift and certain punishment is often impossible"; "He avoids jury service and shows others how to do so"; "He has no sense of personal responsibility for jury service"; "He is not willing to go in with a group of men, some members of which have been 'fixed' in their opinion beforehand by those interested in the release of the man on trial."

3. By a number of judges points have been made which go back to a simple principle but one that has many manifestations, that is, the claiming or taking of privileges which are slight violations of the law. As one judge puts it, "One who supposedly is but in fact is not wholly law-abiding, affects by his conduct all law enforcement, not because he offends against the law in large matters, but because in small ways he violates the spirit of the law and of good morals. Or quoting another man, "Many good citizens selfishly wink at law violations because the perpetrators in their business relations are many times a source of profit." Another says, "The trade rackets exist because of the fact that they are profitable to the members of the organization. The law-abiding citizen who is a member of the *organization* carrying on violations of the law, is responsible even though he blinds himself to what is being done and assures himself that he is not participating." This is the way that things

look from the point of view of the man who has to deal with the criminal.

It takes some courage for one man high in the profession to say, "The 'fixing' of petty violations such as speeding, etc., is not considered a serious matter by the average individual, but in my judgment this calloused attitude on the part of law-abiding citizens who inadvertently violate ordinances, has helped the trend towards vicious 'fixing' which attends practically every important criminal case," and another, "The man who draws distinctions in his own favor in holding that 'social games for money are not gambling' is a real stumbling block."

Emphasis is laid by several judges on the cynical attitude on the part of so-called "good citizens" toward the whole matter of crime. Such citizens believe that "every man has his price" although they themselves would not be bought. They have been able to get from public officials, through political or more persuasive considerations, privileges which others cannot get, or it may be that one of them has failed to get such privileges because he would not "grease the palm" of officials. Is there sometimes danger, as Miss Addams suggests in her article citing the Saccho and Venzetti case, that those who administer the law may acquire an attitude of rigidity and self-righteousness which works against the humanizing of justice? That is, to feel one's self right amid so much that is wrong may have a reflex action which is disastrous.

4. Many of the officers who administer the law are elected by the people. The very judges whose words we have been quoting are most of them in their positions of responsibility through the choice of the people, yet they see that the judicial department of government must be exempted from all party participation. Bar associations and worthy civic organizations must unite with citizens at large in choosing men for these important tasks who are legally, mentally, and spiritually prepared, and above all the temptations of graft and bribery. They must be men of broad humanitarian sympathies who can see both sides of the situation. It is interesting to note that in some cases it is felt that political party organizations furnish the best means of selecting such men, but there is no doubt in the mind of any that whether the man is selected by a party or by an independent group, he must be of the very highest caliber. Our present method of voting for such offices is confusing and tends to lead the ordinary citizen to feel that he knows nothing about it and to let things take their course, which is frequently a bad course.

It all comes back, however, no matter what the subject of discussion or the particular aspect of legal service that these many men discuss, to the hampering nature of the indifference and lack of intelligence of the ordinary citizen—the man who says, "Don't bother me, the government is run by politicians anyway; I have enough to do." And, whether he says it or not, his attitude is "I am not concerned so long as not personally involved."

IV. Investigation[1]

Perhaps it would be well now to turn to our investigation and see what discoveries can be made in our individual communities.

1. Concerning the police force, who appoints the police in your community? What sort of man is the chief of police? What sort of tests are required of the police before taking office? Are there any character tests or intelligence tests? In some cities, schools for policemen are held. Is there such a service in your community? Is there any training in ethics required? Are they Roman Catholics or Protestants? Are financial interests back of their appointment in any way? In what estimation are they held socially by the public? Do people know their names or only their numbers? Their last names as well as their first names? Does anybody know what their family life is? Does anyone miss them when they are ill or away from their beat? Does their uniform suggest separation from the community and violence or the common interests and the confidence of the community? Is there any spirit of co-operation with them in the discovery of law-violators or are they hindered in making such discoveries by the "protection" of such violators? Make a list of all the things which you can find out about the police as a whole, or as individuals in your community and then study these facts.

2. Did you ever attend a trial in which there were witnesses, lawyers for both sides, judge, and jury? If not, try the experiment, choosing some case through which you feel that you can learn how justice is administered. In any large town or city the courtroom is usually crowded. What sort of people are in attendance upon the trial? If you were to consult judges, they would tell you that the same people come to many trials, that there is a sort of mental attitude which is fed by the curious endeavor to know everything that is going on. People who do not read detective stories and stories of crime get their thrill out of seeing persons on trial. Would it be a good thing for the community if there was more general interest in, and occasional attendance upon, trials by the best citizens? Would such an attitude have anything to do with the quality of the testimony given, the care of the judges in listening, the attention of the jury to details of evidence, the speeches of the lawyers, and the confidence of the prisoner if he is not guilty?

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[1] G. L. Chamberlin.

3. How do we get our knowledge about trials? Is it from the newspapers? Are these reports in your community ever partisan? How much does the newspaper influence the trial through the direction of sympathy of the members of the community? Should newspapers assign to court reporting mediocre men, or should they send their best men, with the broadest sympathies and the deepest understanding? How is this in your community? Should lawyers and others carrying on the case give to the public through the newspapers evidence which has not yet been presented, as so frequently happens? Is it fair to the prisoner to have his case prejudged in this way?

4. Did you ever serve on a jury? Were you ever asked to serve on a jury and refused to do so? What are the reasons for which good men in your community decline jury service? Who are exempt from jury service? Do you think there are good reasons for such exemptions? What are the qualifications, legally and morally, for jury service? What does it mean when a juryman who has been chosen is challenged? Sometimes the moral ideals of the community have moved forward so that a crime with which a person is charged would have been condoned a few years earlier, and he is one of the first to be caught in the tightening grip of reform. What kind of jury would it take to deal with a case like that? Find out all you possibly can about the sort of jurists which have served in trials in your community. Question your friends, the lawyers and those who have served on juries, and find out from them, if you can, what are the limitations of justice in connection with their work.

5. The answers from the various judges who were consulted in the investigation we have been making indicate the utmost lack of confidence in the backing of the community, when they are trying to do the right thing. How would that be in your community? Do you stand by wise judgments that are rendered in the trials of which you know, or does the partisan spirit run high and in unjustifiable ways? We suggest that you have a talk with some mature and experienced judge and let him tell you some of the difficulties that he has encountered because of lack of public spirit. Has your community any special courts such as the juvenile, morals, or domestic relations courts? If you have no juvenile court, does your community need such help? What are the prison conditions, and to what sort of life must the judge condemn a criminal in your community?

V. The Christian Attitude toward Officers of the Law[1]

Suppose the Christian attitude was always displayed, what changes would this create in the problems of officers of the law? What can churches do to bring about such attitudes and changes? In the first place, prevention rather than cure will receive the larger emphasis. All criminals were once children—perhaps they were children in the community where the crime took place. If the church had done its duty toward those persons in childhood, what would have been the result? One of the judges with whom we corresponded makes this very unofficial but telling contribution: He says (1) we must interest ourselves in the study and assist in the dissemination of reliable information dealing with the prevention of crime and the handling of first offenders. It is not enough that we study reports: we must actively participate in creating helpful surroundings for first offenders. (2) We must live closer to our children and to our children's friends. The boys and girls who must work for a livelihood need our interest. Through our children we can extend our contacts to parents who live in a different social world from ours. (3) We must increase our interest in the lives of our help and follow this contact into their homes. Through personal interest in their welfare we can overcome those obstacles which stand in the way of common endeavor to improve public affairs.

In other words, the atmosphere of the community of the next generation is largely determined by the work which we do with the children in this generation. It is worth while to speak here of a plan which one of the denominations is trying out in Chicago, that is, the organization in congested and poorly churched centers of what are called "Play Right Clubs." With the street for a playground, the children are gathered together and inspired to carry on their daily play under principles which are termed "right." The child who learns to play right is much more likely to live "right" when he grows up. All such efforts are of the greatest value.

At another point, also, the church is able to accomplish a great deal, that is, in dealing with the young people of high-school age. If we inquire into the attitude of high-school boys and girls toward breaking the law, we shall probably find that the attitude of irreverence for law began very early in the high-school period. Seldom does the high-school boy or girl who commits an offense which in an older person would cause his arrest, meet with other than the most casual punishment, and seldom or never does he face the officer of the law. The street boy is not thus sheltered, but the high-school boys and girls become habituated to thinking lightly

[1] G. L. Chamberlin.

of "getting away with it." The church can correct this attitude, perhaps, by helping these boys and girls to see what happens to others of the same age who are not protected by home, family, and teachers. Perhaps a few visits to the juvenile courts of the big cities would have a very wholesome effect, by helping them to see the selfishness of availing themselves of privileges of exemption which are not open to all boys and girls of the same age. The attitude of "my father's name will protect me," even though unspoken, is keenly felt and encourages to delinquency many boys and girls. The responsibility of the church in this, as in other aspects of our study in civics, seems to be along the line of education of youth and the cultivation of attitudes in them which will be perpetuated in their mature years.

The cultivation of a Christian attitude in the mature citizen must also be a matter of very definite, direct effort. Miss Addams, in her article to which we have already directed attention, quotes another as saying, "The love of justice which exists in the heart of man is the distinguishing mark of his humanity, and should be respected as such. He also regards it as the supreme obligation of each generation to find the means by which it may be purified and still further increased. He warns us that this undertaking is made difficult by all which we do not perceive or perceive incompletely and by all that we question too superficially. It is at the mercy of every error of reason and of every ambush laid by personal interest. Hedged around by the most insidious dangers it falls victim to the strangest of oblivions and the most inconceivable blunders. Of all our spiritual efforts, it is the one which we should watch with the greatest care and anxiety, with the most passionate eagerness and solicitude."

All men strive to get justice. The passion to *give* justice is needed if we would cultivate in our community life the spirit which will make the work of officials of the law a protective and co-operative matter, rather than an armed surveillance.

REVIEW QUESTIONS

1. Name the four groups into which officers of the law fall.
2. Which of these groups are represented in your community?
3. Name as many of the duties of policemen in your community as you can.
4. What social or friendly status have these policemen with relation to the average citizen?
5. What are the most frequent law violations with which the policeman must deal?
6. Are these violators "good citizens" or "criminals"?
7. What power has a jury?
8. What type of men serve on juries in your community?
9. Why are not women often chosen for jury service?
10. How are judges chosen?

11. What type of citizen in your community is interested in judicial elections?

12. Do you think that the statements of judges as found in this study fairly represent the situation in your community?

13. Do you live in a large town or city or in a country district?

14. If the latter, how are conditions better or worse than those described by the city judges?

15. Is your church interested in that type of local politics which relates to law enforcement?

16. Name four or more ways in which the church might help the problem of law violations.

17. What can be done by the individual Christian citizen so far as his own attitude is concerned?

18. How can the individual citizen help matters actively?

19. In what ways can the future be made safer by our methods of educating children and youth?

STUDY V

CRIME AS A BREAKDOWN OF CITIZENSHIP

I. Causes of Present Conditions in Attitudes of Mind[1]

Chief Justice Taft last year said in substance that the general breakdown of criminal law enforcement throughout the country is one of the most disturbing signs of the times; and President Hoover, in his inaugural address, strongly emphasized the alarming character of that breakdown. The truth of those utterances from the highest authorities in our country has not anywhere been questioned.

So widespread an effect must have had some general causes to produce it. What were some of the causes? What remedies have we with to overcome such a condition?

The original European settlers of our country, whether in Virginia, in New England, or in New York, found themselves in a land already occupied by savage Indians engaged in perpetual tribal warfare among themselves. They had no mind to yield their possession to the white man. The latter were separated by thousands of miles of water and months in time from their native lands and could expect no effective aid from their home governments. Their backs were to the ocean, with the Indian in front of them. If they wished to survive, they must in self-preservation be a law unto themselves. So for nearly two hundred and fifty years, as the frontier was being pushed back from the Atlantic to the Rocky Mountains, the frontiersman, ever alert and aggressive in asserting his superior white man's right to the land, was waging a bloody warfare with the aborigines, who fought to retain some part of their ancient dominion and yielded finally step by step only to superior numbers.

The result of such centuries of conflict, with other conditions and environment, was to create a tradition and a habit of mind in the frontiersman and in his immediate descendants that, by reason of their bloody losses, their hardships, and struggles to win their homes under unprecedented situations, they had become a law unto themselves. They made and unmade laws as suited their condition without much regard to the home government or even to its successor. They wished to recognize no superior power to dictate to them what laws they should obey if laws were in their judgment unsuited to their frontier situation.

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[1] Portions of an address by Mr. Frank J. Loesch, an active member of the Chicago Bar for fifty-five years, whose devotion to the honest administration of justice is in the best traditions of his profession, and whose courageous leadership in the struggle now being waged for good government, especially in Illinois, commands the admiration and gratitude of all. Mr. Loesch is a member of President Hoover's Crime Commission. Although more than seventy years of age, his work as president of the Chicago Crime Commission attracted country-wide attention. (Pp. 63–72.)

That the Revolution was a success in no wise mitigates the fact that its basic ground was the refusal of the people to obey the laws of their Parliament and of their own provinces when it conflicted with their views of their own economic or social interest.

As we come down through the last century and a quarter, we find the attitude of resistance to law general enough to be called almost universal at one time or another. The question of state rights and the resistance of pioneers to the attempt to force slavery upon free territories, with the refusal of the people of many northern states to obey the fugitive slave law of 1850 which required every citizen to aid when called on to return a slave to his southern owner, finally led to a gigantic Civil War between the states.

The constitutional amendments adopted following the Civil War and the legislation by Congress to carry them into effect have been quite generally disobeyed; in fact, evaded by reason of ineradicable color lines and social conditions consequent thereon. State legislation contrary to the spirit of those amendments and laws has been sustained by the United States Supreme Court. Thus, rightly or wrongly, we have millions of people in many states refusing to obey the law of the land.

The wholesale violation by highly placed federal and state officials, sworn to obey the Constitution and the laws, and by a multitude of citizens, of the Eighteenth Amendment and laws passed in pursuance thereof, is too well known to require more than a reference to the fact.

The dual allegiance which a citizen owes to his state and to the United States of America has been confusing from its very origin, is confusing to the average citizen, and is wholly unintelligible to the foreigner. That the United States is one of only delegated powers and supreme in all relations with foreign nations and in all domestic matters relating to the army, navy, post-office and internal revenue and interstate commerce, while the state is sovereign on every subject of local concern affecting its citizens from birth to death, is difficult to comprehend. This condition prevails in no country from which the people of the United States claim near or remote descent.

The only clear fact out of it all which the citizen grasps is that in so far as the law makes itself felt, it is less of a risk to violate a state law than one of the United States. But all that confusion adds to the spirit of disobedience to law.

There is another attitude of the American mind which must be considered in this respect. From at least Revolutionary times, each citizen considered himself politically equal to every other citizen. From that view it is not a far cry to considering himself a social and intellectual equal. That attitude is directly contrary to that of the European mind—at least as it was prior to 1918. A man is there a subject and not a citizen. Disguised as it may be, the fact is that rank and tradition, except in rare instances, hold a man to the station in life into which he is born—and the laws are framed to that end. The masses have few opportunities to judge their fellow-subjects in legal proceedings. Those two conditions—the citizen in our country, the subject abroad—cause differing attitudes of mind when it comes to enforcing penalties for crime.

The social ranks abroad, the laws in conformity thereto, and the tradition of ages of enforced obedience to them by the masses make it easy to enforce on homogeneous peoples the penal laws in all their form and strictness. The social and business rank and standing of the members of a jury which refused to punish a criminal in accordance with the law would be seriously injured by such an act.

Not so with us: In almost every instance the jury, and often the court, are swayed to leniency or to acquittal of a man guilty of a murder or atrocious crime because they look upon the criminal as a *fellow-citizen*, not as a subject, and seek to find, for that reason, unwarranted excuses for him. Every experienced prosecutor and judge can give instances of such attitude toward the criminal. The defendant is looked upon as a fellow-citizen for whom excuses are to be found, if possible, to enable him to escape the penalty of his crime.

The Alien Mind

And still another attitude of the public mind must in this connection also be taken into consideration. It is the mind of the alien coming to our shores and to ultimate citizenship from an oppressed European nationality. At the outset, in spite of the economic and social advantage which American domicile and citizenship give to him, his attitude is one of hostility to the law. It is inbred in him by ages of submission and suppression and oppression without a voice in the making of the laws. He would be more than human if he could rid himself of it. It persists to the second and third generations unless in the meantime he and his descendants have been lifted high in the economic and social scale. But while the foreign tradition and influence last, his and his descendants' attitude is one of hostility to law and law-enforcing agencies.

I am not here making any argument for or against any of the states of mind of our people as above set forth. I am stating the facts as I conceive them to be as the background which must be taken into consideration when we are discussing the failure of law enforcement and are seeking to remedy the confessed evils of it. No other nation has to contend with such diverse attitudes of mind on the part of its citizens or subjects, which thus make law enforcement as difficult as it is with us.

No one not conversant with the actual conditions can realize the difficulty under which even the most efficient of police and prosecuting officials find themselves in ferreting out and prosecuting crimes among our alien and foreign-born citizen groups speaking no English and of diverse nationalities, races, religions, and languages which are unfamiliar to the police and law-enforcing officials.

Many of these foreign groups are led by venal leaders, often public officials, who exploit their countrymen while countenancing their criminal activities and protecting them against prosecution for their crimes. The result is a contempt for our laws and an all-abiding faith in some leader who by his political power enables them to escape the legal penalties which they have incurred. Hence the contempt for the laws which one finds so common among the foreign-language groups, especially those from Eastern and Southeastern Europe.

The Effects of the World War

The great social changes and upheaval caused by the World War, the transportation of millions of our men to and from Europe, the training of them for and their participation in the war, and the changed values of human life which followed the war are causes of lawlessness which cannot be lightly laid out of consideration. Then the criminally inclined, and especially those working under gang leadership, have been swift, in carrying out their crimes, to take advantage of every modern death-dealing invention, like dynamite bombs, machine guns, automatic guns, aided by high-powered autos, the aeroplane, and other inventions. The law-making powers, on the other hand, have not provided the law-enforcing officers with adequate men and modern facilities to cope with the criminals, even when the latter are not protected by powerful, corrupt politicians. If a state cannot or does not effectively enforce its laws against crime and criminals, then it fails in the chief reason for its existence.

The state is primarily organized to protect the citizen in his life, liberty, and property so that he and his family may safely go and come at all times, and in all places may carry on his business without hindrance or blackmail from criminals, and may live as suits his convenience in the pursuit of happiness so long as he does not infringe upon other's equal rights to pursue those ends. Few states, especially those having large cities within their borders, have even fairly discharged their duty to their citizens. Murders in open daylight have gone on without detection or prosecution of the murderers in all the important cities. When life, property, and righteous liberty are thus constantly endangered by lawless acts of citizens, it means that the state is irresponsible and inefficient. The reason for this inefficiency will be found in a widespread indifference and failure on the part of the majority of the citizens of a state to use their power in electing honest and fearless leaders in all positions, from the governor down to the lowest magistrate.

Specific Cases

As we have not time to cover the whole country but may generalize from examples in one state, let me recall some recent crimes in Illinois. A considerable part of southern Illinois was terrorized for years by a gang of criminals who kidnapped and murdered men and women, often in daylight, and not infrequently on a popular street in some town, until every peaceably-minded citizen was in daily fear for his life, liberty, and business. The leader of that gang was finally tried, convicted, and hanged, but the law was very slow in finding him and his followers.

In Cook County there have been (Chicago) for years, so-called "gang murders" in secret places, in open spaces at night, in open daylight on residence streets and on crowded streets, in closely inhabited portions of the city. So frequently as no longer to merit extended newspaper comment, murdered men have been found in ditches and wayside places, cast out like the carcasses of vicious dogs: three men killed in an open car, on a popular, well-lighted thoroughfare in early evening; two men killed on a crowded street corner at high noon; twice, two men murdered at their doors as they were leaving for their business places; other men, averaging one man a week, murdered at home or here and there—all with never an arrest and never a prosecution, the state supine and apparently helpless and letting all go by as accredited private warfare in which the people at large had no concern.

Naturally, after years of such official neglect on the part of law-enforcing officers, murderers felt safe in committing a massacre of seven men in a populous section of the city during business hours and in getting securely away without risk of discovery, arrest, or prosecution. The murderers must have had a positive conviction that they would be protected in high quarters before they dared venture upon the massacre.

To what causes shall we trace this state of anarchy—this cancer within our body politic?

The Alliance between Crime and Corrupt Politics

In general terms, having in mind the historical and other background above sketched, it can be confidently assigned to one cause, i.e., the alliance between crime and corrupt politics—an alliance which could not exist if the majority of law-abiding citizens made their power felt. Its inception is in the desire of the corrupt politician for place, power, and plunder of the public purse. The desire of the criminal is to feel secure from arrest and prosecution in his criminal activities, whether it be the maintenance of a gambling-club, a vice resort, the illegal sale of liquor, robbery, blackmail, murder, or other crime.

The alliance is cemented at the primary election. There the indifference of the law-abiding voter in remaining away from the polls is relied on as a negative aid by the politician. The positive work is done by the criminal in terrorizing honest voters from going to the polls and, with the aid of faithless judges and clerks of election, making false and fictitious registration of names. Vote-repeaters cause the illiterate to vote illegally and under instruction; ballots are marked before the election and the ballot boxes stuffed with them. Dishonest officials make false and fraudulent returns of the votes cast, so as to give a large apparent majority to the corrupt candidate for office.

The fraudulent majority so returned puts the corrupt politician into place and power where he can dictate the nomination of law-enforcing officers, including the mayor, sheriff, state's attorney, coroner, bailiff, and judges and clerks of court. Through them he exerts his undercover influence to protect from interference or prosecution in their criminal career the criminals who aided him to secure office.

If anyone doubts the truth of the foregoing charges he has but to recall in 1929 the indictment and, after two months, trial and conviction of fifteen men for conspiracy to murder, to attempt to kill, to kidnap watchers at the polls, to cause repeating, to make false election returns, etc. Included in that number are a present state senator, an investigator in the late state's attorney's office, a former bailiff of the Municipal Court, a former chief of police of the sanitary district police, and other former minor officials. The city collector and his son, a judge of the Superior Court, indicted with those fifteen men, escaped trial under the same indictment by taking a change of venue to another trial judge.

Additional support to the foregoing charges is given by the conviction by a jury of the Criminal Court of Cook County of five election-poll officials and their five confederates for stuffing a ballot box in a precinct of the Twenty-seventh Ward of Chicago at the primary election, April 10, 1928, with four hundred pre-election marked ballots.

At the recent aldermanic election in one ward, a candidate highly indorsed for re-election was defeated. In his place was elected a man said to have been forced into nomination by one who is, by experts in crime detection, held responsible for many so-called "gang murders," whose subtle vengeance is dreaded by the underworld, and who is believed to have many police in his pay. That candidate received the active support of two city officials, one later under indictment, and both appointed and removable by the mayor. These are perfect illustrations of the alliance between the criminal and the corrupt politician. They are not peculiar to Chicago, but in varying forms may be found in most large cities and many smaller communities.

Most naturally in the rare instances when criminals of wealth and power or any of their confederates and instruments in their crimes are brought to trial, able lawyers, versed in every technicality known to our archaic criminal laws, appear for them, and every device is resorted to which may delay the cause and postpone or defeat a trial or secure a miscarriage of justice when a trial is held. The defects of the criminal code aid the criminal and corrupt politicians in their defiance of, and escape from, the punishment due them. Our laws afford too much protection to the criminal and too little to the law-abiding citizen.

The personal-immunity privilege under constitutional guaranties has been by judicial construction extended beyond all reason; and unless it is circumscribed and confined within narrower, stricter limits, we shall be ruled by the criminal living and defying effective prosecution under the fancifully extended personal immunity clauses of our constitutions.

Criminals Not Created by Laws

It is assumed as a matter of course by many people opposed to the Eighteenth Amendment that if the amendment is recalled and the Volstead Act is repealed, all gang murders will end. That is a delusion. Scores of gang murders were committed when there were many thousands of licensed saloons as well as unlicensed ones known as "blind pigs." It ought to be known that the men who are murderers in beer and alky gang warfare now are not boys but were arch criminals, mostly of mature age, before they went into their present murderous activities. If driven out of that form of crime, they will naturally return to their previous criminal activities as burglars, robbers, holdup men, auto thieves, forgers, bank and mail robbers, and murderers. By merely repealing the prohibition law, those criminals cannot be reformed into a life of usefulness. They have been, they are, and will be atrocious criminals to the end of their lives. There must be a proper diagnosis of disease before a remedy can be applied.

That remedies must soon be found before there is a further breakdown in the law-enforcing agencies of the country goes without argument. It cannot be repeated too strongly that we are in the hands of arch criminals, country-wide in their law-defying activities, and almost absolutely free to do their will upon those whom they mark for vengeance with scarcely any prospect of being brought to judgment.

It has been well said that the ancient civilizations were overthrown by barbarians from without their borders; but as there are no outside barbarians now, the destruction of modern civilization will come from barbarians inside their borders.

Are we to sit idly by, pursuing, all unheeding, our ordinary vocations, while these barbarians through the use of modern destructive inventions, the frivolities of the law, the weakness of law-enforcing agencies and the indifference of law-abiding citizens are preparing the ruin of our civilization.

Essential Remedies

May I suggest as immediately applicable to our condition some remedies:

We must have an aroused public opinion informed as to the true state of matters, for without that public opinion little can be permanently accomplished. It must be alert. It must make itself felt by pen and voice, individually and in association, to all law-making bodies and in political quarters. It must give itself a voice in selecting party candidates and then choose between the best of each party at the election. In that way the people who are law-abiding and tax-paying, who uphold the law and the morale of their city, state, and nation, will make themselves the real force as they are in theory. The politicians will take such votes as their guide, and better government will follow.

We must teach, by precept and example, obedience to law as a national virtue. We must in our lives yield obedience to law as it is. We must, as a national policy, restrict our foreign-language immigrants to the lowest numbers while at the same time taking their education and instruction in our language, government, and tradition in charge, from their landing, in order that they may not remain foreigners and aliens in our midst for generations. If laws have been passed, which in their enforcement are found to be productive of vicious or unwholesome results to the people as a whole, then we should be honest with ourselves and aid in creating public opinion to bring about their repeal. The flagrant flouting of one law leaves the unthinking and the evil-minded to justify themselves in the violation of all laws made for the safety and security of the public.

We must insist that the law-makers bring our criminal code into conformity with those of other states and countries, whereby, without taking away substantial rights, criminals may be promptly brought to trial. Speedy trials and punishment are of the essence of good law enforcement. We should insist on more experienced public prosecutors who will have the integrity, capacity, and energy relentlessly to prosecute to conviction and punishment the high criminals now living in security protected by police and corrupt politicians.

The law-enforcing officers are nowhere given sufficient means or facilities to solve crimes, to detect and prosecute expert criminals, and to bring them to punishment. They should be given sufficient appropriations to meet the enormous calls upon them to follow, detect, and prosecute the modern high-powered criminal with a skill greater than his own. More power must be given to the judges in the examination of jurors and in the conduct of the trial. The waste of time now permitted in the examination of jurors by counsel is a destructive hindrance to the speedy punishment of criminals. The judge should orally instruct the jury in the state courts as it is done in the United States courts.[1]

The Absentee Witness

One of the causes of the greatest failures in our state criminal prosecutions results from the fact that state criminal court subpoenas cannot lawfully be served upon a witness taking refuge in some other state. The subpoena for witnesses issued out of the United States courts has effect in every corner of our country. Equally, writs requiring witnesses in state criminal courts should have force throughout the whole United States, so that an Illinois politician hiding in Wisconsin may be compelled to appear here in answer to a subpoena as well as if a warrant for his extradition were issued by the governor of Wisconsin. Some legal way must be found to correct this defect if state prosecutions are to have the vitality they should have. It will take away from the criminal his one great last resort—that of causing a state's material witnesses to take refuge in a neighboring or distant state until all the statute of limitations has run or the prosecution has failed owing to the fraudulent absence of such material witnesses.

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[1] See *Harper's Magazine*, September, 1929, "How Shall We Deal with Crime?" by Joseph M. Troskauer.

There should be persistent agitation for a better police force. More police of a higher character, education, and training as crime-detectors are needed. There should be a reorganization on modern lines of efficiency so as to make it effective for the purpose of its creation and maintenance. A state trooper organization is as essential to the safety of all our country districts as it is to the rural districts in New York, Massachusetts, and other eastern states.

Justice should be our guide—justice to ourselves, our fellow-citizens. Nothing on earth is so divine as justice in all our dealings with our fellow-men. Advocate just laws which secure the well-being of all and abide by them and insist on others doing so.

The law is a living fact, but it is not self-executing. It needs the human touch to vitalize it. That means all citizens as well as law-enforcing officers. If religion, learning, art, culture, and all that make up the best of our civilization are to be preserved, then the conscientious activity and influence of all good citizens must come into play. This triumph of the best depends not upon mere good will and sympathy but upon the actual effective work which every citizen must do in his respective place.

II. Investigation[1]

It will, perhaps, clarify our thinking if we pursue our investigation of the subject of "Crime as a Breakdown of Citizenship" from three different angles: (1) that of the individual who becomes a criminal; (2) that of the citizen who in his community refuses to fulfil his full duties as a citizen; and (3) the general callousness which results in a community made up of thousands of people who, while they bewail crime, have not sufficient public spirit or sense of responsibility to get together and work out a remedy for the conditions.

1. The following points may help in an investigation of your own community and such further investigation as the student wishes to carry on in connection with the first division.

(1) What are the facts in regard to the history of individual criminals in your community? (*a*) When did each cease to regard his responsibility to society and why? (*b*) How many are subnormal in mental capacity and never possessed such a community consciousness? (*c*) How many were overcome by the indulgence of animal passions? How many by avarice? How many by poverty? How many by sudden, unexpected

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[1] G. L. Chamberlin.

crises? Crime is not the thing which changes character. The character was, before the commission of the crime, either because of momentary or habitual weakness, the *cause* of the crime. Can we learn to distinguish between criminals in such a way as to make it possible for a larger number to return rehabilitated, to free citizenship, through a knowledge of the causes of the crime committed and systematic, salutary treatment?

(2) Mr. Loesch states that many members of the foreign criminal class in America have, from the beginning of their American residence, a feeling of hostility to the community, and that they are constitutionally and habitually at war with it. Does his analysis of the causes of these attitudes help us to see why it is sometimes best to deport people lest they become criminals here, when in their own countries they might be considered patriots? Do you know of instances of deportations? Were they justifiable?

(3) Psychiatry is making a great contribution to the prevention of crime in youth by the discovery of tendencies and by the use of preventive measures in training character. Is there any work of this sort in the schools of your community? If so, are you familiar with its methods and its results? Is there any psychiatric study in the case of those already criminals in your jails? Can psychiatry really change persons? In your study of individual cases of criminals, did you find any who had been subjected to this sort of study and examination in their youth?

(4) How many of the criminals studied had ever had any training in citizenship or had been imbued with the idea of responsibility to the community, either in this or in any other country? If foreigners, how many of them had taken out their citizenship papers and had voted, at any time, intelligently and without coercion? How many of them had sold their votes at any time, and what was their attitude toward the sale of votes? Can we speak of the "breakdown of citizenship" in an individual in whom the realization of his citizenship has never existed?

(5) How many of these criminal records went back to unprotected childhood amid criminal environment? In how many had their ever existed a spirit of loyalty to anything? If so, to what kind of things? Has loyalty to "the gang" any of the elements which might be transformed into loyalty to one's community? Can we have good citizenship which is not based on loyalty?

(6) There is a great deal of talk about "prison reform" at the present time. Recent outbreaks have emphasized its importance in the minds of thousands who have not thought of it before. In some of the prisons it has been supposed that modern reform methods were being carried on. If you can get at any of this material through your own state prison

records and publications, would it not be a good thing to study it to discover, if possible, the objectives of these reform methods? Can we make a man good just for the sake of being good? Would a larger emphasis upon the place of the citizen in the community and his importance to the community, upon his return to it, give added incentive to his effort to attain freedom? How are men who have had a prison record treated when they return to the community? Is any effort made to see that they fulfil the responsibilities of normal citizenship? Is society satisfied if these people commit no more crimes but work and support their families? Is that sufficient to make a man a good citizen? In other words, assuming that prison care of criminals was in all respects ideal, that the cause of the crime was known and taken account of, and that special programs of individual reform were applied, and the large majority of criminals returned to society practically in normal moral condition, would the average citizen co-operate with the prison by assuring a stimulating and helpful environment and a recognition of the desire of the criminal to become a good citizen?

2. Turning now to the citizen whose indifference, it is claimed, is an aid to crime, let us raise the following questions:

(*a*) Have men in your community been elected to office through illegal balloting? If so, were the candidates, the political party, those who criminally falsified the ballots, or those good citizens who failed to make their influence felt by casting their ballot and protecting it, most to blame? If a crime wave is the result of indifference to the selection of the candidates or the illegal election of them, who will complain most of the prevalence of crime?

(*b*) To what extent can money be rightfully used at election time? Find out what you can about the use of money at any election which has taken place in your own community. Can you trace the connection between the misuse of it and crimes committed later? What would you do in case anyone offered you money for your vote? Obviously, you would refuse it; but what else would you do?

(*c*) A new word has been coined by a certain type of crime, called "racketeering." How widely does this prevail?[1] Can the average citizen who is a victim of high prices through bad results of racketeering, do anything about it? If so, what? In what quarters must a stand be taken to prevent this type of crime? In Chicago, where the cleaning and dyeing industry has long been dominated by racketeers, hundreds of citizens are employing establishments at a distance from Chicago by means of parcel post, thus refusing their support to Chicago houses. Does taking away legitimate business solve the problem? Learn all that you can about racketeering in the different industries and consider the facts carefully. Can a good citizen be indifferent to such a situation?

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[1] See *Harper's Magazine* for October, 1929, "The High Cost of Hoodlumism," by John Gunther.

3. Now, as to your community as a whole:

(*a*) Is it alive to the crime situation, or is it so callous and indifferent that crime goes unnoticed except as an item in the daily news?

(*b*) What happens in such a community when the crime wave sweeps in the son or daughter of one of the better class? Is there a new realization of the situation and an attempt to "close the stable door after the horse is stolen"? How can such an awakening be made to become a permanent attitude?

(*c*) The prohibition law was enacted in various states with comparatively little opposition, yet thousands object to it who would have had no personal interest to serve in its defeat. Does the fact that the community was generally indifferent to the prohibition question when voting was possible for or against it make the law less binding upon that community? Is it better to express one's opinion on a matter before, rather than after, it becomes a law? Make a survey of varying present attitudes toward and past history of this law in your community.

III. The Demands of Christian Citizenship in Respect to Crime

Granting (1) that discrimination between criminals, based on intelligent investigation and treatment, represents the democratic and Christian attitude, (2) that every citizen must bear his share of the blame for crime in his community, and (3) that a community's complexion is established by the individual attitude of its citizens, what can Christian people, either as individuals or collectively, do to correct or to allay the breakdown of citizenship in weaker members of the community?

1. Here we turn again to Mr. Loesch for our first suggestion. Every individual has the power to do something in the cultivation of public opinion. His own opinion counts in at least a small circle, and is multiplied in ever-widening circles through every person whom he influences in the right direction. Many private citizens have ability to express their opinions to a larger public through the daily press and other publications. It would be interesting to check articles in magazines and weekly periodicals throughout the country for one issue to discover the number of articles bearing on good citizenship and articles which intelligently discuss modern civic and social problems. It is the duty of the good

citizen not only to read but, if he can, to contribute to the literature which will help. It is one of the main purposes of this course which we are studying to cultivate public opinion and to arouse the civic consciousness. The church can help immensely in guiding public opinion, not in a partisan way, but toward the strengthening of opinions based on a knowledge of the facts, and the principles of righteousness.

2. It is the duty and the privilege of every citizen to see that the schools of his city are giving information of the right sort in relation to community responsibility; that they are building up loyal youth eventually to take their places as citizens, and in every way instilling moral principles of life. In some communities a very elaborate system of moral instruction is given in the public schools, but it remains for the church to go farther than this and to undergird moral habits and attitudes with the emotional fire of religious responsibility and inspiration.

3. It is almost needless to repeat the injunction given by Mr. Loesch of absolute obedience to law as a national virtue in the individual; but it is clear that if the Christian man or woman flouts the law in any respect, he cannot expect his influence to be very strong over youth or foreign-born people who have not his experience to guide them.

4. There is no organization that can more appropriately teach the spirit of loyalty to its youth than the church. Religion has always its loyalties; the family has its loyalties; friendships are founded on loyalty. The person who is loyal in all these respects is likely to be loyal as a citizen. The fact is that, as we go on with our studies from month to month, we are coming to see that citizenship is a religious function. The creed does not matter. The same attitudes of loyal citizenship and responsibility for the welfare of one's fellow men and for the community in which one lives may be the dominant element in the life of Protestant, Roman Catholic, or Jew, or of those of any other creed based upon sound moral principles. One will come to see that politics and religion cannot be separated, notwithstanding the old adage that "we can not mix" them. They are already mixed, in full measure.

REVIEW QUESTIONS

1. How did the life of the early pioneers in this country lead to disregard of law?
2. What aspect of law violations characterized (*a*) the Revolution, (*b*) the Civil War?
3. What is the result of the double system of national and state laws, and how are they distinguished?
4. How does the principle of political and social equality affect the attitude of citizens toward the law?
5. What is the general attitude of aliens toward the laws of our country?
6. How has the increase of modern invention aided the criminally inclined?

7. How do corrupt politics complicate the situation?

8. Name several ways in which public opinion which might result in diminishing crime could be formed.

9. How can obedience to law become a national virtue?

10. What reforms in legal machinery dealing with crime would help matters?

11. How do our laws aid unwilling witnesses to evade service?

12. Name some of the reasons why people commit crime.

13. Do you think that all criminals committing the same crime should be treated alike? Give reasons for your answer.

14. What difficulties does the criminal who has been benefited by his prison régime meet when he returns to free citizenship?

15. Give your judgment as to how money may be legitimately used at election time.

16. What is racketeering? How does it touch your community?

17. Name four ways in which you think the public school might do preventive work.

18. By what means can the church help to mold public opinion?

19. Name some ways in which personal disobedience to law by "good citizens" hinders good citizenship in the community.

20. How are loyalty in citizenship and loyalty in religion interwoven? Illustrate.

STUDY VI

CREATING PUBLIC OPINION

I. What Is Public Opinion?[1]

Were it possible to create a composite moving picture of the activities of everybody who lives in America, we should find housewives and clerks, farmers and bankers, coal-diggers and doctors, plumbers and preachers, school boys and teachers, engineers and advertisers—to continue the enumeration no further—engrossed in their daily round. Scarcely anyone seems to be thinking about the great political and civic problems which vex our public life.

Yet out of this welter of contradictory and complementary activity there does arise a means of social control which we call public opinion. We actually do hear someone declare to his neighbor on the street car that the president is a worthy man or a fool; that the United States ought to be ashamed of itself for staying out of the League of Nations or grateful for having escaped European entanglements; that the garbage is badly collected and the paving is poor; that the mayor ought to hurry up and dig a subway or suppress crime; that Chicago ought to be a separate state; that women ought never to have been given the vote; that prohibition is a failure; that prohibition is a great success; that Tom Jones ought to make a good Congressman, and so on.

Opinion does influence the course of government, although it is not the only factor involved. Sometimes opinion operates directly to influence political conduct. The rumor begins to travel around that Mr. X, is dishonest. It flies from mouth to mouth in the club, in the drug store, across the back fence, and around the community. The undertow of suspicion finally leads Mr. X., recognizing his plight, to resign, or to demand an inquiry into his custody of public funds.

Politicians lend a ready ear to the complaints and suspicions of the public. If the election is a year hence, they "feel out" the pulse of opinion, and propose either a subway or reduced surface-line fares to appease the people. They are continually appraising the swirling eddies of popular sentiment, and trimming their sails to fit. The process is so subtle and indeterminate that its importance is easily ignored by the superficial or the formal observer of the flow of political life. When opinion expresses itself in the form of mass-meetings, petitions, demonstrations, votes, and laws it becomes more tangible, though not necessarily more important. A law which is passed by a legislature may never be enforced, if an aroused and continuing public sentiment is not behind it; and much may be done by the direct informal abrasion of public opinion which would escape the clumsy formalities of the law. Agitations and votes and all the other coarser manifestations of opinion are but part of the vague, yet massive, welter of conviction, belief, prejudice, sentiment, and enthusiasm which actively condition the function and structure of government. The formalities are only as important as the informalities permit them to be.

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[1] This study has been prepared with the assistance of Professor Harold D. Lasswell. The following books have also been found useful: Bryce, *Modern Democracies;* Lippmann, *Preface to Politics;* Wallace, *Human Nature and Politics;* Wallace, *The Great Society;* Lowell, *Public Opinion and Popular Government;* Lowell, *Public Opinion and War and Peace;* Dicey, *Public Opinion;* Ross, *Social Control;* Bernay, *Crystallizing Public Opinion.*

If we inquire more specifically into the nature of public opinion and how to measure it, we approach a subject which is not yet standardized in the mind of even the technical students. We may hazard the general statement that a public opinion is the tendency of the members of a group, in particular circumstances, to react favorably or unfavorably to personalities, groups, policies, and modes of political conduct.

II. How Is Public Opinion Formed?

If we try to find out how public opinions are determined, we arrive at a problem which is quite as elusive as how public opinions are measured. The first important idea to get in mind is that opinions are primarily generated by non-logical processes. People are influenced by gestures. If you ask what X thinks of Y, a stranger to you, and X shrugs his shoulders, screws up his eyebrows, and looks mysterious and contemptuous, you may not feel like pressing further. His gestures may stigmatize Y in your mind for the rest of your life. An overtone of admiration or sarcasm, an ejaculation of wonder or anger, may convey an inference which sticks in experience and modifies opinion. The influence of an epithet or a slogan, or of a watchword or formula, is slightly more complex. Language is copiously supplied with words which are so blurred about by positive or negative feeling that they have lost nearly all their power to convey a picture. That J is a "blockhead" or a "fool" gives us but a most highly generalized picture of him; it does, however, give us a clue as to whether the man who is talking likes him or not. Catchwords and slogans move the public. "Make the world safe for democracy," "Fifty-four forty or fight," "He kept us out of war," "The outlawry of war," "Moral and material disarmament": such phrases have served or still serve to mobilize sentiment and send it off to support or obstruct a person, policy, group, or activity.

The example of people about us subtly influences our conceptions of propriety and right. If Mr. A goes to the polls and if everyone else around us goes to the polls, it is naturally assumed to be the appropriate thing. If all our friends take part in a Decoration Day service and pay a trip to the grave of a fallen soldier, there is no question in our minds but that this is quite the thing to do. If an uncle gains distinction as a judge or as a member of the Senate, the power of his example may be decisive in the life of a child.

It is clear from these suggestions that public opinion formed in this desultory fashion is not liable to be safe as the controlling influence in the community. It will be confused, perhaps sensational, and ill advised. Unenlightened, it will push regulations to excess, it will concern itself with personal matters that have no real importance to the public, and it will fail to become a constructive force in the building up of the community and the giving it a healthy physical and social atmosphere. Undisciplined public opinion may be as despotic as the wise public opinion, but it leads to disaster.

What can be done to make this force useful? (1) A general improvement in character and intelligence. The feeling of the many reflects the feeling of the average person, and if he is cool and reasonable in his private resentments he will be so in his sympathetic and corporate resentments. A schooled, informed, thinking public is necessary. (2) The general acceptance of principles of law or right which guide opinion and cause it to play smoothly in certain grooves. These slow-won, time-hallowed maxims are bits in the mouths of the mob and reins in the hands of the wise. The simple ideals, standards, and valuations that come to guide public opinion are formed with reference to shaping, rather than judging, conduct, and they come out of the experience of the bygone public. Old Hebrew words about "false witness," "unclean hands," "selling the righteous for silver," "making the ephah small and the shekel great" are lamps to a groping people. (3) The ascendancy of the wise. In every community there are those who give out many impulses and receive few, while others receive many impulses and give out few. Thus we have the contrast between the influencer and the influenced, the leaders and the led. Thus units of influential men make rallying points for public opinion. Such guidance being possible, the remedy for the abuses of public opinion is not to discredit it but to instruct it.

Signs are not wanting that in the future increasing restraint will be exercised through public opinion and that this kind of control will gain at the expense of other kinds. The growing rage for publicity and the craze for notoriety show that men of today respond warmly to praise and wilt quickly under general disapproval. In a democracy like ours, opinion is not split up into small currents by inherited class lines, or broken in force by masses of family, sect, or caste tradition. Ordinary men of today are so used to the coercion of public opinion that they follow it instinctively. Few men have the temerity to stand against it. Changes in public opinion must therefore be initiated by a high class of leadership.

III. The Technique of Influencing Public Opinion

Edward L. Bernays, in his interesting volume, *Crystallizing Public Opinion*, assumes that there is a definite technique by which ideas and ideals can be cultivated in that intangible public which he calls "the herd," that is, the mass of people who are ready to be led rather than to be leaders. His book is worked out on the basis of the establishment of a new responsibility which he calls "The Public Relations Counsel," by which term he means that person who interprets to the public the association, industry, or political movement which he represents. As a basis for his work, this person makes such a study of the public that in the process of his activity he is of vital assistance, both to the public and to his particular constituency. Not every movement can be represented by a professional exponent, but the same function may be performed by a group of leaders who have an appreciation of certain things, and the ability to see how to use the various agencies which will cultivate the right public opinion in relation to these things. Let us consider some of the modern agencies for cultivating public opinion.

In Colonial days it was possible to unify public opinion through the printed pamphlet, or through the speeches of recognized leaders on one side or the other of the great issues. Life was simple and the instruments for cultivating public opinion were also simple and direct. In a great democracy today, however, there are all sorts of conflicting influences which divide the public, not into two groups, but into many. Publicity is available through some type of agency for all kinds of moral standards, all kinds of political views, all religious beliefs, even all kinds of attitudes toward law and government. The movies, the press, the stage, literature, art, education, and even religious agencies are used as instruments of propaganda. If public opinion is to be guided and educated today, some method must be found for harnessing these channels of communication with the public into machinery for cultivating the right sort of public opinion.

An interesting example in recent history of what can be done is furnished by what happened to Lithuania. In 1919 Lithuania was of considerable importance in the reorganization of Europe, but it was a country little known and little understood in the United States. There were excellent historical, ethnic, and economic reasons why, if Lithuania broke off from Russia, it should become independent. There was powerful political opposition, for such independence would interfere with the plans of some other nations. American influence was desirable. A Lithuanian National Council was organized of prominent American Lithuanians, and a Lithuanian National Bureau was established. An exhaustive study was made by the appointed leader of every conceivable aspect of the problem of Lithuania. For the amateur ethnologist there was presented interesting and accurate data of the racial origins of Lithuania. The student of language was provided with authentic and well-written studies of the development of the Lithuanian language from its origin in the Sanscrit. The sporting fan was told about Lithuanian sports. American women were introduced to Lithuanian clothes. The jeweler was shown the beauty and desirability of Lithuanian amber, and the music lover was invited to concerts of Lithuanian music. Senators and representatives were furnished with multitudes of facts about Lithuania. Mass-meetings were held, petitions were drawn, signed, and presented. Personal calls were made upon the members of the Senate and the House of Representatives committees. The mails carried statements about Lithuania to prominent individuals. Lecturers embodied the pleas of Lithuania in their addresses. Newspaper advertising was bought. The radio carried the messages of speakers throughout the country. Even the motion pictures contributed their share. The Lithuanian Bureau furnished corrections to the press of incorrect news from interested sources and in turn received the publicity which they desired for the correct facts. The result of this totality of the cultivation of public opinion was the independence of Lithuania. This one example helps one to see how tremendous is the influence which can be brought to bear on a situation in a community or country if adequate leadership is provided and the campaign well organized.

IV. The Expression of Public Opinion

Just the proportion in which such mechanical means as the radio, advertising, motion pictures, circular letters, pamphlets, speeches, meetings, parades, the press, public debate, the stage, the drama, and the instruction of youth in the schools influence public opinion is very difficult to decide, but it is certain that some of these are stronger than others. Of course the most tangible expression of public opinion is the vote, which gives each individual opportunity definitely to express his attitude toward the candidate, the law, or the movement, but this vote should come at the end of a long period of cultivation of public opinion through which the individual casting the vote has had ample opportunity to learn the importance of the issue at stake, the civic and moral aspect of it, so that the opinion which he has to express may represent an intelligent attitude toward the issue, on whatever side his vote may be cast.

The news and periodical press perhaps come next in order. People are profoundly moved by stories. The daily press does not stop with giving the bare facts of a situation, but it writes its news in such form as to have human appeal. The reader's sympathies are aroused or his anger is stirred. In Illinois a sudden mining disaster in 1910 cost 259 lives. For days the press told of the dead, of suffering wives and children, of the heroic deeds of the rescuers. Editors wrote editorials demanding that such accidents be prevented in the future. Writers took up the records of former disasters and filled the papers with vivid stories of the hazardous occupation of the miners. Soon the legislature bestirred itself and a Commission was set up to inquire into the situation, and finally the coal-mining laws of the state were revised to compel the installation of fire-fighting apparatus at convenient places within each mine. Some years ago in New York City, where wretched tenements in which diseases were spread were common, the children of a number of wealthy homes began to sicken suddenly from a loathsome disease. Goods in which the source of the germs was found were traced to Fifth Avenue stores, and through them to tenements where garments were made by people working in these terrible conditions. For weeks a series of articles on this subject under the caption "The White Slaves of Gotham" was run in the *New York Sun.* This and similar publicity resulted finally in a new building code, improved housing conditions, and protection from some of the worst evils of the city. Thus the press by its story methods can, if under wholesome leadership, be of the greatest value in the cultivation of public opinion.

The press as an expression of public opinion has its limitations, for it is rather generally felt that the news press, in its treatment of matters of public interest, cannot move far beyond the status of the people whom it serves. You will very seldom find the press leading a movement the desirability of which has not already found expression in other forms. The attitude of the press is not, therefore, that of the pioneer but rather the voice of the people. It is an evidence of a share of public opinion, while at the same time molding another share. A few years ago one seldom or never saw in a literary periodical of high standing an article concerning religion. Today scarcely an issue of the greater monthlies is seen that has not some article rising out of the religious interest. This is not because editors are more religious than formerly and so seek out special articles on this subject, but because there is a large reading public for religious literature which has so strongly manifested its preference that the magazine must recognize it. They are thus seen to be an expression of public interest or opinion.

The popularity of the extensive tract literature put out by this Institute dealing with questions of belief, of the relation of religion to other phases of human interest, the problems of practical Christian efficiency, and the newer interpretation of the Bible is an evidence of public hunger for religion. Religious opinion is being influenced very widely by the hundreds of thousands of these tracts being sent out annually.

No less are the motion picture and the stage evidences of public opinion. Neither of these channels can function without an audience, and the sort of thing that is displayed is as much an evidence of what the people desire, that is, an evidence of public opinion, as it is an instrument in shaping ideals.

The church is in somewhat the same position. It has immediate access to the ear of a large public. Generally speaking, however, the pulpit does not rise above the consensus of opinion in a particular congregation. There is always the fear of a chasm opening between the preacher and his people. Frequently we hear men say, "That is what I believe, but I could not preach it in my church." It is a grave question how far a minister can go in attempting to influence the opinion of his congregation, and it is quite a difficult matter to decide just how far the church itself can go in attempting to influence moral conditions which are bound up in political issues. The church may, however, insist that moral issues bound up with politics shall be considered on their own merits. On any question involving a moral issue, the church surely has a right to speak.

It is certain that the majority of churches were mobilized in favor of war only a few years ago, and today the churches are mobilized almost solidly against war. The question is, "Was it politics or religion that swung the churches into line in either of these periods?" One must think through that problem carefully. Is it safe to say that when moral issues are involved the church has not only a right to speak but an obligation to so educate its members in the fundamental principles of moral and brotherly conduct that they can be relied upon individually to align themselves on the side of right?

The church[1] as an agent in forming public opinion is by no means limited to the discussion of individual or specific cases. Back of public opinion will always be attitudes which are socialized in certain general patterns. It is probably true that general ideas, even though they may be pretty abstract, have a tremendous influence in shaping up the attitude of a community. Most revolutions have centered around great abstract terms like liberty or rights, and have been successful in about the same proportion as the attitudes which such terms suggested were expressed in an entire community. We sometimes say that morality cannot be taught in a vacuum. This is true, but it is possible by the constant reiteration of certain ideas to make them presuppositions of social action. It is the business of the church to develop these mind-sets in such a way that when they come to find expression they will further human welfare. To be generous, to give justice, to avoid sensuality, to respect law, and similar social attitudes are all capable of being aroused and directed by the church. It may be that the largest social service which the church can render will be in the production of these mind-sets, which when socialized help shape public opinion. The church is not in a position to give technical advice on government or social reform, but it is an institution peculiarly adapted to furnish the human material and the public opinion which make reforms possible.

The wise religious leader will therefore endeavor to produce such attitudes and to point out that they cannot be honestly held unless they find expression in such political and other group action as appears wise to those who are especially prepared to form technical opinion. In an election, for instance, the church can cultivate the determination on the part of its members to see that honest men and honest policies are adopted, but leave to organizations formed for the purpose of investigating conditions and suggesting candidates the recommending of men whose promises can be trusted. The church as an institution would not thus enter politics, but would furnish a moral reserve which could be counted on to vote for properly authenticated men and measures. Without the public opinion that such moral reserve involves, political reform would be very difficult if not impossible.

V. Investigation[2]

1. This should be one of the most illuminating subjects of our series thus far when it comes to the study of local conditions in the various communities from which our readers come. Our first effort should be

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[1] Shailer Mathews. [2] G. L. Chamberlin.

directed to finding out something of the story of public opinion in this community. This is not always easy, for most of the data needed will be unrecorded. The search will, therefore, be all the more stimulating.

Select from the history of your neighborhood some reform, some betterment of social conditions which has been brought about. Begin with the present and trace back the various stages of the movement to the time when things were sufficiently bad to make somebody think it necessary to arouse public opinion on the matter. As you go back step by step, notice what persons contributed to the progress of the movement, at what point they became interested, and, finally, who set the ball rolling. What were the initial steps in arousing public opinion on this subject? Was the public startled into doing something, as, for instance, by some accident or tragedy, or did somebody begin in small circles to casually talk about the subject? How much of a constituency was waiting for someone to make a start? How much progress was due to the importance of individuals who linked themselves up with it? Had it some relation to a definite division in the community, as labor or non-labor, religious or non-religious groups, and how rapid was the transfer from one group to the other? Was this a cause in which the church could legitimately take part as an organization? If so, how much did the church contribute to the cause in influence and personnel? Was it necessary in this campaign to utilize the many modern instruments of propaganda such as the radio, the motion pictures, spectacular advertising, handbills, etc., or was the cause one which could best be handled by speeches or conferences, and by news articles in the press, or were the methods used in some way peculiar?

2. List, with great care, the causes which you think ought now to be taken up in your community. Select one of these causes and outline the facts which it is necessary to secure before planning the campaign. Suppose, for example, this cause has something to do with housing. The first step will be to find out the exact housing conditions which exist. Second, there must follow a careful study of the reasons for these conditions. It will be necessary to raise the question, "What sort of change *can* be made which will not harm instead of help?" Why are new or better housing conditions desired? Is it because the present houses are a disgrace to the community aesthetically considered, or is it because individuals in these houses suffer because of the hardships which they must endure? If the latter is the case, in what way can changes be wrought which will not simply drive these people into equally bad quarters elsewhere? The question of costs must come in if new housing is to be substituted for old. It will at once be seen that in any proposed reform these preliminary facts

and questions must always enter in before anything can be done. When a basis has been secured for knowing what will really help the situation without injuring some portion of the community, then one can begin to plan for the cultivation of public opinion, and may count upon the pressure which aroused public opinion will bring to bear upon the situation.

The technique may next receive consideration. It will be necessary to consider what individuals in the community might be most influential in attracting attention to the need which is to be met. Each of these important individuals will have a certain clientele. All leaders have their followers, and in thus securing leaders, one secures their followers as well. Thus the personnel of the campaign is arranged. Organized committees will become responsible for certain channels, such as printed matter and the press. This will include any booklets containing information on the subject, handbills calling attention to it, news articles in the local newspapers, carefully prepared, progressive, and non-repetitious in character, and, finally, letters to individuals in large or small groups. Another committee may arrange for addresses if such are needed, always selecting people who know the facts and can interpret them intelligently. Debates are frequently useful and may be arranged by the same committee. Another committee may take care of the motion-picture theaters, and still another one may take up the question of parades. Just in what way the radio can be utilized is work for another committee. If this is something in which young people are interested, a drama can be found which will be directed against the abuse (if it is such) or to the reform which is desired. It is sometimes possible also to have talks in the schools which will swing the children into line.

3. Return to the list of community needs which you have prepared in accordance with suggestion 2 and see in what respects the campaign which you have outlined for one sort of reform will need to be changed for each of the others. If possible get into the actual work of something now being done, thus gaining experience and perspective.

VI. Christian Attitude Toward Public Opinion

1. How may the church contribute? As our study has suggested, the church has limitations in that it must deal with principles rather than a particular cause, and yet most political issues have a moral aspect. If, without joining in the campaign, the church by study of the campaign can bring to it accurate data, it can emphasize those elements of morality which are at stake in the campaign, and so exercise an indirect influence which is very pronounced. If one looks over the history of most towns

for the last twenty years, it will probably be discovered that the needed reforms from time to time have not been political so much as social. Take, for instance, the problem already suggested, of housing, or the question of the movies, the character of the plays given in them, the physical conditions of the movie houses, the ideals of parents in regard to their children's attendance on the movies—all these are social and moral and hinder religious education.

But the church that simply talks and does nothing to furnish adequate substitutes for bad influences in the community will not get very far. The church that engages in the cultivation of public opinion on social subjects must be ready to back up its vision with the service of its members and the facilities which will alleviate the situation which it is often able to supply.

An interesting illustration of a campaign which is of a definitely religious character and carried on under the auspices of the church is the idea of the "Go to Church" Sunday. In a western city this has gone so far that the storekeepers paste stickers on their packages urging people to go to church. Thus the churches have been able to mobilize the interest of the merchants of the city. In another town the stores close early on Saturday night so that all their employees may go to church on Sunday. In all probability it was public opinion in the churches which brought about this condition.

Is it not clear that the church is able, on the ground of human brotherhood, and the cultivation of high moral ideals, to exercise not only influence, but actively to join in some of these many movements for social betterment which have been allowed to slip into the hands of social agencies outside the churches until the church has come to feel that it is exempt from the duty of service in many important directions? May not the church well consider the whole community situation, and search for points at which it can lend an active helping hand, especially in the matter of the cultivation of public opinion? Suppose that the church were as active in the use of the billboard as the manufacturer of cigarettes. But a new billboard technique would have to be developed. Suppose that instead of fighting the Sunday movies, the church should open its doors for a more interesting Sunday evening program. Suppose that instead of bemoaning the existence of the street gang in the neighborhood, the church should undertake to house and direct the "gang"?

The church itself is the victim of public opinion. The proportion of people in a given community who attend church is a good index of what the people of the community think of that church. The church's business, if that opinion is bad, is to begin to cultivate a better attitude in all legitimate ways. Perhaps it is not a single church but all the churches in a community which have some common problem. In the long run churches must stand or fall together.

The opportunity of the larger churches has been greatly multiplied by the introduction of the radio. Many ministers are speaking to thousands each Sunday when before they reached only hundreds. No doubt this means a great deal in the cultivation of the "mind-sets" to which allusion has been made. It is still an open question whether the use of the radio encourages non-attendance or invites attendance. That is, do people who are accustomed to go to church stay home more frequently because they can get a sermon without the effort of attending church, or does the broadcasting of the sermon give to a larger number of people an appetite for more which will lead them eventually to church attendance? We are inclined to think that the latter is the case. It is also doubtless true that many people who could not, for various reasons, attend church may now get the sermon by radio. With this increasing audience, it becomes all the more important that sermons should suggest in multitudinous ways the ideals of common responsibility for the common good, that is, a brotherly love which is not completed until it is translated into action.

2. Individual responsibility. This course is dealing primarily, however, with the individual Christian citizen. As the principles of the cultivation of public opinion and its crystallization in action have been noted, we have found that any proposed reform may be traced back eventually to some individual or small group. To learn how to wisely inject new ideals into the community is a task which should command the interest of every Christian citizen. The fundamental principles of the teachings of Jesus and of the Christian attitudes injected into civic life will gradually transform it. There is always the temptation, however, to link one's self up with some great national movement, and stop there rather than to study those neighborhood interests which most need attention and which demand time, tact, and a Christian spirit in the solution of the problems. Religion has something to contribute here, but it must make its largest contribution through individuals assuming responsibility for the well-being of that group of their fellow-men nearest to them. If one's personal relation to public opinion and its cultivation is that of responsibility, the natural groupings of these persons in the institutions of the community will render the institutions themselves active participants in the building up of public opinion which can be mobilized in any good cause.

REVIEW QUESTIONS

1. Suggest some of the various origins of public opinion.

2. What relation has public opinion to law?

3. What are some of the possibilities for the abuse of public opinion?

4. What do you mean by "educating" public opinion?

5. What use may be made of educated public opinion?

6. With all our modern channels for publicity, why is it more difficult now than in Colonial days to educate public opinion?

7. How is the independence of Lithuania a testimony to the use of public opinion in achieving something worth while?

8. Can you cite any similar success in your own community, or city, or nation, the details of which you know?

9. What is the most definite, individual expression of public opinion?

10. How does this fact affect the importance of education for the voter?

11. By what method in handling the news does the daily press affect public opinion?

12. Why can we not always count upon the public press to come out strongly on the side of right?

13. What effect upon public opinion do newspaper slogans have? For instance, "See it in the *Sun*, it's so," "We print all the news that's fit to print," "Our country. Right or wrong, our country."

14. How does public opinion influence the moving-picture industry?

15. How does the moving-picture industry affect public opinion?

16. In what measure is the radio helping or hindering the wholesome education of public opinion?

17. What do you consider the limitations of the church in its power to influence public opinion?

18. Name some of the things it can do.

19. Name some of the things it ought not to do.

20. What do you consider the Christian individual's responsibility for public opinion in his community?

STUDY VII

CHURCH AND STATE[1]

The separation of the church and state as a political principle is of comparatively recent origin. From the time of the Emperor Constantine down to the eighteenth century church and state were officially related in every nation of western Europe, and uniformity of religion in a nation was considered a necessity. That is, all the people of a given nation must profess the same religion and must worship in the same way. The welfare of the state was thought to depend upon such uniformity, and any who refused to so conform were considered traitors to the state, and therefore dangerous to its safety. As a result severe persecution always followed any attempt on the part of any individual or group of individuals to worship in a different way than that which the state allowed. The most liberal nation in western Europe, in the seventeenth and eighteenth centuries, in respect to religion, was the little nation of Holland, but even in Holland there was a state church, and other sects were only tolerated. That is, they did not have the same privileges as the state religion. England passed a Toleration Act in 1689, and after that time other churches were given a legal status in England, but England still has a state church, as do the majority of the Christian nations of the world even to this day. Mr. Bryce has stated that at least half the wars of Europe and half the internal troubles since the founding of Christianity have been caused by religion. The United States was the first nation in the world to find the way to prevent such wars, through the separation of church and state, and perhaps this great principle is the greatest contribution that America has made to modern religion and politics.

I. The Separation of Church and State in America

The principle of the separation of church and state was by no means an accepted American doctrine at the end of the Colonial period. Indeed, at that time in nine of the American colonies there were established churches. Congregationalism was established by law in three New England colonies—Massachusetts, Connecticut, and New Hampshire; the Anglican or the Established church of England was the state church in the five southern colonies and in New York. Nor did the Revolution necessarily affect this situation, for in the revolutionary philosophy there was nothing to disturb that old relationship. But it was inevitable, that "the shock of revolution would necessarily loosen the bonds which bound unwilling multitudes to any church establishment with which they had no sympathy."

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[1] William W. Sweet.

To understand how the separation of church and state finally came about in America, it will be quite necessary to follow the rapid growth of the dissenting churches in the years just previous to the Revolution. The Great Awakening, which had swept over New England and the Middle Colonies from about 1734 to 1745, greatly strengthened Presbyterianism in the Middle Colonies, while the Baptists reaped great indirect benefit from it in New England particularly. But the most significant growth both among Presbyterians, Baptists, and Methodists was that in Virginia. The Presbyterian revival in Virginia is generally called the Hanover revival, because it centered in Hanover County, and here, under the leadership of Samuel Davies, Presbyterianism entered upon a period of rapid expansion, and by the opening of the American Revolution the Presbyterians rivaled the Established church in numbers and influence in Virginia. A great Baptist awakening had likewise swept over central western Virginia and North Carolina, centering at Sandy Creek church, and by the opening of the Revolution the Baptists also had become a numerous body, though not so influential socially or economically as the Presbyterians. Meanwhile also the Established church was growing in unpopularity, owing to the famous Parson's Cause and the Twopenny Acts, while in the years 1773–76 the Methodists were likewise gaining a permanent foothold in Virginia. Thus were being formed the forces which were to be chiefly responsible for the bringing about of the separation of church and state in Virginia.

In accounting for the rise of the American doctrine of the separation of church and state, we must not overlook Roger Williams, who more than a hundred years before the American Revolution gave it clear statement. The great contribution made by Roger Williams was not as a theologian but in the realm of political philosophy, and upon his ideas the colony of Rhode Island was established. Thus he clearly sets forth the true position of religion in the state:

> (1) God requireth not an uniformity of Religion to be enacted and inforced in any civil state; which inforced uniformity (sooner or later) is the greatest occasion of civill Warre, ravishing of conscience, persecution of Jesus Christ in his servants, and of the hypocrisie and destruction of millions of souls. (2) It is the will and command of God, that . . . . a permission of the most Paganish, Jewish,

Turkish, or Antichristian consciences and worships, bee granted to all men in all Nations and Countries: and they are only to fought against with the Sword which is only (in Soule matters) able to conquer, to wit, the Sword of God's Spirit, the Word of God. (3) True civility and Christianity may both flourish in a state or Kingdome, notwithstanding the permission of divers and contrary consciences, either of Jew or Gentile.

Agitation for the separation of church and state began with the opening of the War for Independence and was carried on vigorously by the Baptists in New England and by the Baptists, Presbyterians, Quakers, Lutherans, and Methodists in Virginia. The Baptists had organized the Warren Association (1767), made up of Baptist churches of New England, in order to secure denominational co-operation in the struggle for religious liberty. Later Isaac Backus became the agent of the association, and with the assistance of other leading Baptists of New England, among them President Manning of Rhode Island College, brought all the influence possible to bear upon the legislative authorities to bring about disestablishment. But it was to no avail. Congregationalism was too firmly intrenched with the majority of the people in New England to be endangered at this time. The Baptists continued to protest, however, at every opportunity, and as other dissenting churches became stronger in New England, especially after the introduction of Methodism into that region in 1789, popular opposition to an established church became too powerful to be further resisted. In New Hampshire disestablishment came in 1817, in Connecticut in 1818, but it was not until 1833 that Massachusetts finally provided for the complete separation of church and state.

In all the colonies where the Episcopal church was established by law, disestablishment came with more or less ease, except in Virginia. In Maryland, the Carolinas, Georgia, and New York the dissenters had been in the majority from the beginning and the revolution set at liberty forces which soon brought disestablishment in these states. In Virginia, however, the struggle was long and bitter, and was carried on throughout the Revolution and the years immediately following, and has by far the largest historic significance.

Before the Declaration of Independence the Baptists were alone in demanding the separation of church and state in Virginia. The Presbyterians were simply demanding their rights under the Act of Toleration and nothing more, while the Methodists were still nominally a part of the Established church and seemed at first to favor its continuance. With the close of the war, however, these three dissenting bodies with the others united in the fight for complete religious liberty. Nor were the dissenting churches alone in their demands. Such statesmen as George Mason, James Madison, Patrick Henry, and Thomas Jefferson had become thoroughly convinced of the desirability of complete religious liberty, and their influence was thrown actively on the side of the forces fighting to bring it about.

The first great step was taken in 1776 when the Virginia constitutional convention incorporated the philosophy of religious liberty into the first Virginia constitution. It states (Article 16):

> That religion, or the duty we owe our creator, and the manner of discharging it, can be directed only by reason, and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience; and that it is the duty of all to practice Christian forebearance, love, and charity toward each other.

But it is one thing to indorse a philosophy and quite another to put that philosophy into practical operation; nor were the Baptists, especially, satisfied to let matters rest here, and they were soon asking how the philosophy of religious liberty was to be applied. Accordingly, when the first Virginia legislature convened, under the new constitution petitions were numerously presented from Baptist associations and churches as well as from Presbyterian and Lutheran bodies asking for the disestablishment of the state church. This pressure soon resulted in the passage of a bill repealing all laws forcing dissenters to contribute to the support of the state church. But again this was not enough to satisfy the dissenters, and especially the Baptists, who were demanding complete religious equality, and nothing less would satisfy.

For the next three years (1776-79) petitions again flooded the Virginia Assembly from the dissenting bodies, while the Established churchmen, now thoroughly aroused to the danger confronting them, were equally active in behalf of their cause. The next step in the process of disestablishment came in December, 1779, when an act was passed repealing portions of the "Act for the support of the Clergy and for the regular collecting and paying of the Parish Levies," as well as all other acts providing salaries for ministers. This cut the pursestrings of the establishment. But even yet there were grievances still existing in the civil laws. For instance there were regulations which prohibited dissenting ministers from performing marriage ceremonies, while the Established church vestries in the several Virginia counties were in charge of certain public duties, and these vestries were self-perpetuating.

The final struggle over the great issue came between the years 1779 and 1785. Numerous bills were now presented, bearing upon the church situation, among them one prepared by Thomas Jefferson, entitled a "Bill for the establishment of Religious Freedom." Eventually this was to be written upon the statute books of Virginia, but the road to the passage of this famous measure was to be a long and painful one, while its discussion in and out of legislative halls was to occupy six long years.

The cause was almost lost in 1784 when a bill was introduced providing for a general assessment for the teaching of religion. This bill provided that persons might declare the denomination to which they wished their assessment to go, but if no declaration were made the money would be used to encourage schools in their respective counties. Washington could see nothing out of the way in such a measure, while John Marshall, Patrick Henry, and Richard Henry Lee all supported it. Madison and Jefferson were against it, while the Baptists also saw the fatal flaw in the measure and stood staunchly in opposition. At first certain of the Presbyterian leaders favored the measure, and Madison, writing to James Monroe about the situation, stated:

> The Episcopal people are generally for it though I think the zeal of some of them has cooled. The laity of the other sects are generally unanimous on the other side. So are all the clergy except the Presbyterians, who seem as ready to set up an establishment which is to take them in as they are to pull down that which shut them out.

The consistency of Baptist opposition to any measure that would in any way connect the state with the church is readily explained when we remember that complete separation of church and state is the first great Baptist principle. On the other hand, separation of church and state had not been a principle with the Presbyterians nor the Methodists, which accounts for their wavering at certain periods in the Virginia struggle. The Baptists declared the proposed assessment "to be repugnant to the spirit of the Gospel for the Legislature thus to proceed in matters of religion; that no human laws ought to be established for this purpose." The Presbyterians now came over to a firm opposition to the bill, especially after the Hanover Presbytery had passed strong resolutions against it. The combined forces against the measure finally succeeded in bringing about its defeat, though by a slender majority of three votes.

The way was now open for the passage of Jefferson's measure, and on December 17, 1785, the bill was passed, and on January 19, 1786, was signed by the speaker and became law. The most significant portion of the measure, Section II, reads thus:

> We the General Assembly of Virginia, do enact that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor

> shall be enforced, restrained, molested or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or effect their civil capacities.

Thus happily terminated the most important struggle for religious liberty and the separation of church and state in America. "Virginia became the first government in the world to establish the absolute divorce of church and state," which is "the greatest distinctive contribution of America to the sum of Western Christianized Civilization."

At the time the "Bill for the establishment of Religious Freedom" was passed, its famous author, Thomas Jefferson, was in France, but so proud was he of his part in the memorable and historic struggle which had brought it about that in his epitaph which he prepared to be placed upon his gravestone his part is thus recorded: "Thomas Jefferson, Author of the Declaration of Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia." While we would not detract from Thomas Jefferson any of the honor which belongs to him, yet justice compels us to give greater credit to James Madison, nor were the contributions of all the Virginia statesmen as important in the accomplishment of this great triumph as were the comparatively humble people composing the several religious bodies known as Baptists, Presbyterians, Methodists, Quakers, and Lutherans.

When the Constitutional convention met in the city of Philadelphia the year following, the influence of the Virginia struggle upon that notable body became evident. Thus Article VII, section 3, states that the several federal and state officials "shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." Two years later (1789) the first ten amendments of the Constitution were added, the first one reading:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Thus was the principle of religious liberty and the complete separation of church and state written into the fundamental law of the land. The constitution puts all sects on the same footing. Writing in 1787 Count Mirabeau stated:

> America, to which politics will owe so many useful lessons, has rejected the word toleration from its code, as a term tending to compromise individual liberty, and to sacrifice certain classes of men to other classes. To tolerate is, in fact, to suffer that which you could, if you wish, prevent and prohibit.

II. Present Status

The American citizen is thus protected both by the federal Constitution and by his state constitution in his religious liberty. "Under both he is entirely free to formulate any opinion whatsoever in regard to religion, to practice and teach it to others, provided he respects their rights and does not incite to crime or breach of the peace." Such is the great American doctrine of complete religious liberty and the separation of church and state.

Does complete religious liberty prevail in America, and does the future hold any danger to the prevalence of that great principle? The average American citizen, whether Catholic or Protestant, believes firmly in that principle. Only recently a candidate of one of the national political parties, and a devout Roman Catholic, thus stated his principles:

> I summarize my creed as an American Catholic. I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institutions of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land. I believe in the absolute freedom of conscience for all men and in equality of all churches, all sects, and all beliefs before the law as a matter of right and not as a matter of favor. I believe in the absolute separation of Church and State and in the strict enforcement of the provisions of the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Other prominent American Roman Catholics, some of them high in the church, have given equally clear statements as to their acceptance of the American doctrine respecting church and state, but it is also well known that such statements do not harmonize with Roman Catholic theory.

A great many people feel that the past record of the Roman Catholic church as an institution in respect to the relation of the church to the state does not warrant confidence in such professions of Americanism on the part of *individual* Catholics. As long as Roman Catholics are in the minority, they will, of course, be in favor of religious liberty, in fact minorities are always in favor of toleration. But what would happen if the Roman Catholics should gain a majority in the United States? "It is the possession of power to persecute that puts tolerance to the test."

The popes in recent times who have spoken on the subject of toleration have uniformly denounced that principle, though we are told by American Catholic interpreters of these papal pronouncements that when they claim that the Roman Catholic church is the one religion that should have full legal rights they have reference only to Catholic states.

As American citizens, anxious to preserve the great principle of the complete separation of church and state, how shall we answer for ourselves this dilemma? As much as we may believe in the sincerity of these statements, can an individual member of this church speak for his church as a whole? Roman Catholic theory and practice, where they have been enabled to put it into actual operation, are at present diametrically opposed to the great American principle of the separation of church and state. There are signs of restlessness, however, even among Roman Catholics themselves, and one cannot predict what changes the years may bring in even the fundamental principles of this religious group in America.

III. Investigation[1]

1. The approach to our investigation this month will be somewhat different from that of preceding studies, for it must not be forgotten that there *is* no "state church" in America; therefore the investigation of "church and state" cannot mean looking into the operations, legal or illegal, of a state church. There is, however, a broader line of community activities where civic affairs may be so administered as to do injustice to some religious group or to give undue advantage to another.

One of the points at which church may clash with state is in the question of nominating candidates for office. Since this is an investigation, it would be well to talk with representatives of political life in your own community and find out whether there have been in the history of the community political issues in which religious differences were sharply marked. One might also investigate the religious affiliations of those now holding office in the community. Do they come largely from one church group, that is, Protestant, Roman Catholic, or Jewish? Were religious issues recognized in the election of these candidates, either by "herd" voting or by the use of any undue persuasion of one religious group over against another? If so, were the candidates from one group less fitted to serve in the offices for which they were named than the others? Do such situations constitute a real interference of church and state? To what extent, if at all, *might* the religious affiliation of a man or a woman affect success as a candidate for office? To what extent, if at all, *should* religious affiliation affect success in civic aspirations? In a community where one religious group dominates, is it always certain that the best candidates for office will be found in that group? Have you known cases where candidates from the smaller religious group were elected? How did this come to pass? You will not be satisfied to carry on this investigation with relation to your own town alone. You will wish to read your American history to search for such points of issue as may have come up in state or national affairs since religious freedom was written into the Constitution.

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[1] G. L. Chamberlin.

2. What part did the churches in your community take in the last municipal election? Was there any effort to make the church people feel the moral responsibility of citizenship in general and of voting at the primaries on election day in particular? How many Christian people are in the party committees of your ward? Is there any organization that attempts to interest the church people in honest politics? Do you think it would be advisable to have religious issues get into politics? What steps can be taken to avoid bringing religious issues into politics? Should the churches have their own ticket, or should they make use of non-partisan political bodies for recommendation. Should ministers preach on political candidates? And, if so, under what conditions? How far are church members committed to a political stand by the words and acts of their pastor?

What organizations are there in your own church that would be likely to be interested in a study of the duties of citizens? If none, could such an organization be formed? If you have a Men's Club or a Women's Club, do they ever ask the officials to come before them and discuss matters of importance?

3. What are the conditions in your community with reference to day schools of different church groups? Do children who go to parochial or church schools attend the public school or is the church school substituted for public school? Is the work in the church schools equally as good as that in the public schools? Are parents of those who are eligible to attend church schools permitted to choose whether they will send their children to these schools or to the public schools? If there is undue influence, what is its nature? Are there classes representing religious groups which are held after regular school hours? What pressure is brought to bear on parents to get the children to attend these "after-hours" schools?

How does the question of taxation enter into this field? What is your answer to such Roman Catholics as say that they should not be taxed for the public school when they feel themselves compelled to provide church schools for their children? Might Jews with equal right put up the same plea of exemption in order that they might establish Jewish schools, or the Lutherans that they might establish Lutheran schools, or the Christian Scientists that they might do likewise? Is it a good thing to allow religious variations to build up walls of separation between boys and girls in the same community? Are they as likely to co-operate in community affairs when they arrive at the age of citizenship if they have been thus educated apart?

4. What is the history of the teaching of religion to children and youth in America? Has it been well done? There is no question but that all Sunday schools have been, until recent years, very unsystematic and ineffective instruments for teaching religion. Have these deficiencies been made up by the education received in the public schools? In this connection one should investigate the movement for "week-day religious instruction" which has passed through many phases and is in operation in many forms in various parts of the country. In some localities the public schools have co-operated so fully as to allow the meeting of groups for religious study in their own buildings and during the school period, such instruction being carried on by Protestant, Roman Catholic, and Jew alike. At other places the children have been excused, upon the request of their parents, at some unimportant hour in the program of the school day and have gone to nearby churches for religious instruction. At still other points the churches have combined in giving religious instruction in their own churches to children after school hours. Are any of these various types of religious instruction going on in your own community? Is the co-operation general or only limited so far as the different religious groups and public schools are concerned? What has this sort of work to do with Christian citizenship?

This course is dealing with the question whether Christians, i.e., people operating their lives on Christian principles, can be of larger service in their civic and national relationships. How can people be expected to operate their lives in this field on Christian principles if they have not had a fairly thorough education in those principles? Can such a thorough education be expected to result from a brief period of instruction once a week?

5. Do you know anything about the history of the legal restrictions in the use of the Bible? It would be a good plan to investigate the laws of the various states on the question of the reading of the Bible in public schools. From what sources have these objections come? What advantage is there in the reading of the Bible in public schools without comment and with no jurisdiction over the selections which are to be read? A fine ground of controversy has been furnished by this matter, and most

of the states of the Union have special laws on the subject one way or the other. You can secure information about these laws by writing to the capitols of the different states.

6. The anti-evolution laws, prohibiting the teaching of science on the basis of the evolution theory, seem to be an interference between religious forces and the state or vice versa, since the question is before the public, not as an educational matter, but is voted upon one way or the other, in accordance with one's interpretation of the Bible. Write to the different state capitols and see how many of the different states have these laws. Find out, if you can, how the religious forces operated in putting these laws upon the statute books and what was the secret of the failure of the state to free itself from this undue influence.

7. *a*) It is a very interesting and instructive thing to take a survey of various countries at the present time, studying, for instance, the recent prayer-book controversy in England when progressive religious leaders, seeking to make revisions in the Book of Prayer such as they hoped would make it more useful, found themselves in conflict with Parliament.

b) Study the conditions in Italy where Roman Catholicism has been recognized as the religion of the state. A Catholic writer says, concerning Italy:

> What does happen—and naturally happen—is that, where the whole code of a society is Catholic, laws and institutions will follow that code, and the recent Italian Concordat is a very good example of this. The Catholics in Italy are not a political majority any more than English-speakers in the United States are a political majority. Italy is *organically* Catholic—not mechanically so. She is a Catholic country, not an arrangement of voters drawn up by party machines into Catholic and non-Catholic. She is a Catholic realm, in the same sense in which the Massachusetts of the Colonial period was a Puritan colony, or Japan is a pagan empire today.

Criticize this statement. Try to find out from travelers, from missionaries, and the periodical press how this condition has affected Protestant citizens of Italy in the exercise of their religious functions.

c) What about conditions in Russia? Is Communism as practiced, by the Soviet state in its essentials a "religion" as dogmatic and autocratic as any of its predecessors, so far as its unwillingness to let people think for themselves is concerned? Keep watch of the statements made from time to time in the daily and periodical press and raise the question whether such conditions can remain without provoking widespread rebellion. Is it not the old Divine Right under another name?

d) There is also present a most interesting problem in this field in Mexico, especially since the states along our southern boundary are receiving large numbers of Mexican men and women into their borders and among them many priests and nuns driven for the time out of Mexico.

IV. Summary[1]

This study should have made plain the fact that separation of church and state is by no means the generally accepted conception of the ideal for politics. In some cases religious bodies are actually supported by the state. In America, legally the separation is complete, and in some cases this is apparently supposed to mean that clergymen and religious bodies should not concern themselves with issues with which politics is also concerned, such as international peace, good local government, or legislation of various sorts. It is not easy to prevent the interests of one group from being carried over into another; but it is plain that if there is to be religious liberty, the state must not control religion or be controlled by an ecclesiastical body either directly or indirectly; but it is also plain that politics involves moral attitudes and that citizenship is one of the duties which every American must perform. The church, as the representative of moral education, cannot be indifferent to a situation in which morals are affected or formed. Without introducing religious issues into politics and without undertaking to be represented in the government, religious bodies can educate their members as to the moral aspects of civic life. Beyond that it is hardly safe for churches as churches to go. Christian people, however, are free to organize other institutions and bodies which can engage directly in politics, organizing issues, nominating and supporting candidates, etc. There can be little doubt that if there was a larger sense of responsibility for good citizenship that the political life of America would be decidedly improved.

Nor is the Christian duty of the American citizen in relation to the state to be limited by national boundaries. There is before the world, at the present time more vividly than ever before, the question of peace between nations. The task of leadership in this great "anti-war" movement must be officially carried by the state, but every Christian individual has it in his power to lend his influence to those forces which in turn influence the state. There is no greater opportunity before Christianity today than that which, working out from individual attitudes, sets in motion currents of thought which have world-wide influence. To feel the responsibility of citizenship of the world is the natural corollary of an adequate sense of responsibility for the welfare of the community or the state.

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[1] Shailer Mathews.

REVIEW QUESTIONS

1. How, as compared with the nations of the world, does the United States of America stand on the relation of the church and the state?
2. How early did the development of the separation between church and state appear in our national history?
3. What was the contribution of Roger Williams to this cause?
4. Give some of the facts relating to the struggle of the Baptists before the Revolution.
5. When and where was the doctrine of complete religious liberty first indorsed by introduction into a constitution?
6. Tell the story of the 1784 bill for a general assessment for the teaching of religion.
7. Give the most significant portion of the law championed by Jefferson and passed in 1785.
8. What was the first national constitutional amendment covering this principle?
9. What are some of the influences which hamper complete religious liberty in America?
10. Can complete religious liberty become a menace if the churches should cease to evangelize?
11. Can people enjoy complete religious liberty who have no knowledge of religion?
12. The criminal's code of honor is his religion. Would it be difficult for him to pursue a false code of honor if in his youth he had received adequate religious education?
13. What is the church's responsibility in regard to the state?

STUDY VIII

BUILDING A CHRISTIAN SOCIETY

I. General Survey[1]

The first studies in this series dealt with the community; the present one will have to do with society. A community refers primarily to an area, while society emphasizes the common elements in the minds of those who compose it. The community may be large but communities which the sociologists study with profit are relatively small. They are local communities. A community sometimes subdivides into neighborhoods, and definite geographical limits are not difficult to assign to the community. A society, however, tends to relative independence of space, and while a society may be small it may have members scattered over a large area.

When we think of building a Christian society, we have in mind the common attitudes and sentiments which include all those who can be influenced over a large area. To build a Christian society one could not stop with America, but perhaps the definite plans would, for an American, be concerned chiefly with making the national life what it ought to be.

Speaking strictly, it is not ours to build a society, for when the men of this generation were babes in arms there was a society already in existence and already very old. It is not ours to build a society from the beginning, but rather to complete a structure which our fathers began and to extend the ideals which we find most inspiring. The twentieth-century American Christian has, then, the task of trying to complete the structure which his fathers began, including, of course, the making of such repairs in the building as seem necessary and possible.

A Christian society has never included all the members of this or any other nation except as an ideal. Christianity as a universal religion assumes that the principles of living together well would apply to all men, but it has never been possible to convince all men that they should adopt these principles. The church universal has never made a universal appeal.

I. Building through Institutions

A society has institutions, but the institutions do not exhaust the life of a society. The institutions may be regarded as the formal structures which have been raised up in answer to various needs, and when these institutions fail, as they always seem to fail, to meet these needs perfectly the welfare of the society will demand that the institutions be criticized and their operations altered. William James has said that every institution has a fatal tendency to defeat the very needs which called it into existence. Law courts, being set up to give justice between man and man, become sometimes the very potent instruments of injustice. Hospitals erected for the cure of disease have become centers of ill health and infection. Less than a century ago Florence Nightingale set out to rouse her people with the picturesque slogan, "Hospitals should not make people sick." And churches built for the preaching of love and good will have been known to foster strife and contention, to say nothing of the inquisitorial fagots and flames.

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[1] Professor Ellsworth Faris.

It is clear, then, that one way to complete the building of the Christian society long since visualized by the prophetic souls of the past must include the perfecting of our institutions, whether these be political, economic, educational, medical, religious, or social. And there is no institution so sacred as to be exempt from a searching inquiry and a merciless scrutiny of a dispassionate inventory.

It would be possible, but obviously impractical, to enumerate fully all our institutions, point out the admitted defects of each, and call attention to the need for improvement and perfecting. By way of illustration in order to make the contention concrete, we may speak of the family, the school, the state, and the church, with the understanding that no institution must be left unchallenged if we are to build a Christian society.

The family is an institution rooted in our moral conceptions and sanctioned and buttressed by political enactments. Many changes have taken place in this institution, some by design and others by the operation of indirect and unwelcome forces. The emancipation of women, so strenuously fought for in the nineteenth century, has been practically achieved so far as legal enactments can go, and the freedom of a woman in her person and property is no longer in question. The emancipation of children is a more difficult and ambiguous matter, and the improvement of the family in this day is more dependent upon economic changes and modification of public opinion than upon anything which can be formally decided. One may risk the statement, however, that the organization of Boy Scouts, designed to take the children into the country to live in tents like Indians, is a pathetically inadequate remedy for the wrong done to boys in building cities where the bricks hide all the land and the profit motive leaves almost no provision for any game more active than bridge. The welfare of the family, like that of every other institution, is bound up with manifold and remote interests, and those who strive to build a

Christian society will early feel the need of experts in many fields of knowledge.

A Christian society cannot be built without careful attention to some institution which will transmit our culture to the immature members who will carry it on and seek to improve it. I could write many pages in praise of our progress in education, for to my mind the American enthusiasm for schools and the passion for universal education is one of our proudest achievements and may some day rank as our greatest contribution to the welfare of the world. In spite of the scorners who sneeringly contend that we have many in school who do not belong there, the American people persist in their faith that the whole of our society should be given the opportunity to receive at public expense all the training which the most privileged class could secure. And so we freely set up schools of medicine, of law, of engineering, and all the rest down to the public kindergarten and the public nursery school that the heritage we have received may be freely passed on.

Nevertheless there is much land to be possessed. The training of our teachers was never higher, but it is still far too low. Cruel methods are still used in dealing with our children, however much improvement we may be willing to acknowledge. Narrow and dangerous nationalism still survives in our teaching of history and geography, and the lack of prestige of the teacher, together with the too meager financial rewards, have feminized our elementary education more than seems best. A Christian society will have better schools than ours, but the complexity of the problem is apparent if we mention but a single factor. The schools cost a great deal of money, but they must cost a great deal more, and the whole complex question involves the subject of scientific taxation which again reminds us that expert knowledge must be used and extended before this institution can be what we would like to have it become.

The state is concerned with the making and enforcing of the laws, and this subject has been dealt with in a previous study. Mr. Loesch has called attention to a fact which, unpleasant as it is, must be bravely faced and sincerely considered before we can go far in our work of reparation. He reminds us that Americans have inherited a tragic disregard for their own laws. He has shown how far back this goes and how serious it still is. A Christian society cannot be built out of a company of banderlog who play with their mouths, extol their virtues, and flout the laws they make.

In building a Christian society men will strive to perfect the church. The pathetic spectacle of medieval-minded theologians attempting to coerce teachers of biology is only the latest battle in the long warfare for which the church has its measure of responsibility. Moreover, there are problems of the interrelation of churches, of comity, and of unity which are receiving the attention of gifted men and which may well be listed in any program of what the coming society ought to be.

II. Building Law and Customs

A society must indeed give earnest heed to its institutions and must continue to multiply institutions when it appears that needs may be met by setting up new ones. But there is much more to a society than the sum of its institutions, since much of our life is not organized and many of our dearest interests are unprovided with officials for regulating our activities. The field of the mores, those customary ways of thinking and living which not only antedate the institutions but overflow them, is important to consider in thinking seriously about a better world. Public opinion is never completely organized, nor can it ever be. It is sometimes as vague as our dreams, but when articulate it is irresistible.

Law cannot wholly regulate us, nor can all our institutions taken together reach our souls in their entirety. He who desires to build a Christian society must give earnest heed to these things also. It is not enough to give to the negro freedom, citizenship, and the franchise; we must come to feel that in a Christian society there can be neither Jew nor Greek, barbarian nor Scythian, bond nor free. Our religious practices and our individual prejudices are not wholly the product of Christian influences; some of them are the illegitimate spawn of baser activities and must be transformed if the building is to be fair.

The building of a Christian society may well concern itself with the outstanding social problems which mar the structure. The public service companies have men who are called trouble-shooters, trying to locate the cause of interrupted service. We may call them by some more dignified name, but unless these evils in our society are recognized, studied, and ameliorated we shall not build as we should.

The Christian who desires to make his society what it ought to be must, unless we are wholly wrong, be interested in many aspects of our life and be concerned with the multiple ameliorations. Whether as a Christian he should actively engage in these reformations is a subject on which wise and good men have been known to differ. It may be that the church can best forward some reforms by inspiring its members with the highest ideals and sending them out to fight for the right in other rôles. A Christian man may be a sheriff and as a sheriff may hang a murderer. Even if we admit that he does the hanging in a Christian spirit, we would hardly insist that the church should be held directly accountable for his official act. Christianity may furnish motive and outlook without engaging formally in all the details of reconstruction.

III. Building through the Church

The Christian citizen is also a member of other groups; he is a Christian business man or a Christian lawyer, doctor, or some other. How may his Christian faith affect most wisely his other relations? This is a practical problem touching most vitally the current issues of American life. When we are told that the church must not interfere in politics, we are vaguely conscious of dissent, for a Christian society cannot neglect the issues of vital importance to the morals and well-being of our people. And yet it may well be that the hated phrase has in it some element of truth that would be useful for those who seek to build a Christian society.

The question is difficult and the issue not easy to make clear. Religion cannot be indifferent to moral issues, but political action is never purely a moral issue. Political action involves moral considerations, but it is never purely a moral issue. Religious principles are right and good, and right and good are not debatable. We may have an opinion, but concerning right and duty there can be no two opinions. There can be only convictions. Justice, morality, and conscience may have their history, but to one who is enlisted in the army of the Lord these admit of no doubt. We do not vote on issues to make them right, we strive by voting to make the right prevail, but the right has other justification than the adding machine.

Political action is different. Public issues in their very nature are debatable. Party platforms are not like the creeds of churches but resemble more the motions made in a meeting or the bills introduced into a legislature. Whether the issue be the tariff, the World Court, the Volstead Act, or the policy toward Nicaragua the issue is always a practical one involving necessarily an element of compromise. We are not settling principles of morals by programs of action, and we cannot ever have all we want since our programs must be so presented as to attract many adherents. The practical political issue is, then, always debatable. Every citizen has an unquestioned right to vote as he wishes. There must be no stigma expressed or implied in any vote on any issue, and the failure to keep this in mind may result in much harm to those of good will.

The church must not become a political party, for the opposition which political strife brings in only means a bitterness in the attacks of the opposing party which results in a needless injury to the prestige of the church but, worse still, tends to generate methods and practices on the part of political religious leaders which cannot always be justified even by the most loyal adherents of the church. The church is at its best when it devotes its energies to speaking the truth and love, emphasizing the highest standards, inciting enthusiastic adherents to ideals, leaving to other agencies the practical programs of action.

For, let us insist, religious principles are not arguable. He who is not for us is against us. We may exhort, plead, invite, and urge, but we cannot admit that there are two sides to a moral issue. He who does not accept is wrong, and we must do what we can to make him right and enlist him on the side of the Lord against the mighty. But a political issue is forever otherwise. A man has an inalienable right to vote on the negative side of any political question, and no one should becloud the issue by confusing the moral and the political. To vote against the League of Nations, the redistricting of the state, or the prohibition law is as indisputable a right as to vote against a bond issue for building roads. It is disastrous to religion and morals to attempt to force agreement by insisting that a political issue has only one side and that he who votes against us is immoral or irreligious or insincere or misguided. The implication that political issues are not debatable invites the charge of fanaticism and intolerance and may retard the very cause we wish to advance.

But if the church must not be a political agency, how can Christians help to build the Christian society which they are set to erect? We have seen how vital the institutions of our society are and how essential is their modification. Must Christians turn the political institutions over to the unbelieving world while they fasten their own gaze upon the skies? By no means. What we are saying argues no less interest in politics but more. The churches may not wisely enter such an arena as churches, but the citizens who compose them have their political rights and duties. It is one thing for the church to indorse and promote a political program; it is quite another for Christian citizens to enter a political fray and fight for their convictions, presenting the issues with all their skill but refusing to take refuge in the *odium theologicum.*

IV. Building through Social Amelioration

We shall build the Christian society best when we take an active interest in every issue: the eight-hour day, the right of labor to organize, the prohibition of the traffic in narcotics, the white slave trade, and the other serious issues of our time. But for the Roman Catholic church to oppose officially legislation on birth control, or for the Protestant church to promote officially any specific liquor law, has dangers in it, dangers both to the cause advocated and to the groups which advocate them.

It is not easy for religious leaders to steer a middle course between a comfortable indifference to live issues, on the one side, and the temptation to use the organization which is at hand for the promotion of political reforms. It would seem, however, that a way does lie in this middle course. For the Christian citizen can be in politics to his heart's content without implying that his opponents are base in motive or unregenerate in heart.

We have dwelt at length upon the relation of the organized church to the organized state and we have emphasized institutions. There can be no objection to this emphasis if we insist that those who build the Christian society must also give earnest heed to the attitudes of its members and the vast area of our lives which has no institutional expression. Faith, hope, and love; love, joy, and peace, which individual persons seek and hunger for, are profoundly affected by institutions, but are not wholly included in their influences. Personal relations, friendships, and loyalties, these overflow our organized forms, and he who tries to help to build a Christian society will attach increasing importance to this function of the Christian church which has always been acknowledged, and was never more important than it is in our day.

II. Investigation[1]

This study is the last of the series which we have been following. It should, in a way, help the student to sum up the results of his work upon the whole course in the light of a perspective which has grown as the course advanced. In our first study of the rise of the community and in your following study of your own particular community, we were not in a situation to face the problems of society as a whole. Through the study of your own community, however, you will have come to see that that community is only a small section of the world, and that there is something above any geographical area which the author of our present study has called "society," and which is limited geographically only by the fact that not all people everywhere are interested in an ideal society or world in the larger sense.

The author has led us to see that in the institutions of society we have tangible material upon which we can work either in the way of criticism or alteration in accordance with higher ideals. This is a good opportunity for you to review the institutions of your own local community and those larger institutions which are shared by your community with your state, your country, or with all countries. One of the most important of these is the institution of the family. The condition of the family, as we see it

[1] G. L. Chamberlin

today, is the result of a long evolutionary process. You, yourself, have seen some changes in family customs and ideals, and it will be easy for you, through older friends, to get a still longer view of the modifications that have come in family life. Were such as you discovered of advantage to society? Can you visualize improvements which should come in the family as an institution—changes which are of benefit to the members of the family, giving them larger opportunity for personal development, and changes which increase the significance of the family to the community as a whole? Suppose that "good will" should be taken as the measuring stick or the test of the improvements which you would like to see in family life, how do the changes which you desire bear such a standard of measurement? What other institutions of society are so closely linked that they also must be considered in any improvement in the life of the family? What relation has the family to political activities? To *mores?* To economic life? To health regulations?

The second outstanding institution which is suggested in this study is that embodying our educational ideals and mediums, taken together with other agencies which pass on the culture of one generation to another. What are some of these agencies? Think over your own situation. How much of the great culture of the past has come to you through formal education, or through other influences such as home and environment? Would you like to see the formal educational institutions of your country perfected? What are the needs in educational ideals? In persons to carry out these ideals? In funds with which to provide for necessary expense? The two institutions, the family and the school, must necessarily work together since they are dealing with the same group of people. On what basis can co-operation and good will express themselves as between parents and schools? To what extent does the educational work of our country and of the world include opportunity for advancing culture on the part of the older members of the family? To what extent does it create citizens of the world as over against citizens of the individual community? How shall we make our good will express itself beyond the borders of our home town, our home state, even our home country, and make it operative in every country? Is this necessary if we would create a Christian society? What forces must be overcome in our struggle for the necessary economic backing for projects which would be necessary in such an extension of good will? What would *you* consider a good definition of "scientific taxation"?

Our study goes on to note that the institution of law comes to us in this day and generation in very bad repair because of inherited disregard for it. Where shall we begin in our effort, through the spirit of good will, to study the question of law, local, national, and international, obedience to which will make more possible a Christian society? If laws are bad, can we expect ideal law observance? If laws belonging to past generations exist only because they have been inherited, how can an ideal society be built upon them?

Perhaps one of the most tangible institutions which one can study is the church. Here, however, it should be very carefully kept in mind that while there is a great organization of Christian people which can be spoken of in a large way as "the church," that is, representing all churches, the particular point where your investigation will be made will be with a particular church. Would it be fair to draw conclusions regarding all the churches of your country, that is, what might be called the church as an institution simply by studying this one church or even all the churches of the community? Is not every Christian under a certain obligation to become familiar with what "the church," speaking in a large way, has done for the world before he formulates his criticism? Then he will be able to judge how much the churches of his own community contribute to this larger whole in service and influence. One may distinguish, therefore, between the work of perfecting "a church" and perfecting "the church" as a whole. There must be certain fundamental principles common to these two. Is it the principle of good will and the brotherly attitude? It is also a good plan to raise the question of the relation of intelligence to the exercise of good will. That is, is the Christian under obligations not only to have good will but to be intelligent regarding those historical, scientific, economic, and social matters which would lead him to exercise good will in the most intelligent way?

Perhaps you will wish to study your community and what you know of your state and nation to see what other institutions exist which may be improved in such a way as to be of very great value in Christian society.

The idea of the *mores*, or customary ways of thinking and living which antedate institutions and overflow them, is a somewhat intangible field of study, yet it would be of very great interest to raise the question as to what of the social phenomena with which you are surrounded belong to the realm of the *mores*. That is, you do not know just why certain ideas exist, but they do exist and have come down from the past and exert a very great influence.

The question of the relation of one's attitude toward good will in his business or his profession is equally important with that of his social relationships. People cannot live in compartments. The person of good will must exercise that good will in all the aspects of his life. A group of persons exercising this spirit in the business or professional world will help to bring about an ideal society. It may not be in accord with our own ideal of good will to be hypercritical in our judgment of the business and professional people of our community, or of our country, but the opposite of good will is morally wrong, and one has always the privilege of recognizing that which is morally wrong and condemning it. Such condemnation is not a breach of good will but the exercise of common sense and moral judgment.

With such a spirit one may read the daily papers and make his conclusions as to what in the political and the business world needs to be mended in order that a Christian society may exist. One will grow in intelligence and in good will by exercising this judgment continuously and testing it from time to time. Read the daily papers for a month with this attitude and compare your status in regard to public affairs at the end of the month with that at the beginning, and see what you think about this statement. Attack the problem of the League of Nations, the World Court, the prohibition law, and other like national and international issues and see how the application of the attitude of good will with intelligence will affect your basis of judgment. Consider in the same spirit all of the live issues with which you can come into contact, such as the labor unions, the struggle for shorter working hours, the traffic in narcotics, the white slave trade, the sweat shop, child labor, and dozens of other issues which merit your consideration. "What can I do about it?" is the question which confronts us all, and from which we cannot escape if we are truly interested in building a Christian society.

III. Summary

In order to gather up the threads of this whole course one should rapidly review all of the studies, gathering up those principles which, perhaps seen but vaguely in the beginning, have now come to seem a part of one's Christian thinking. Is this what is meant by the title of the course, "Building a Moral Reserve"? If so, of what use is a reserve if it is not put into action?

REVIEW QUESTIONS

1. Distinguish between the community and society.
2. Distinguish between society and institutions.
3. Name some of the movements or ideas which have improved the institution of the family.
4. Through what institutions are we passing on our culture that we have inherited?
5. Name some of the complications arising out of efforts to improve our institutions of learning.

6. What disadvantages do we face in efforts to improve our laws?

7. Why must the church be content with inciting people to high moral conduct which will express itself in political life, rather than by becoming a champion of a political party?

8. Name some of the great moral issues in which Christian people must take part as individuals but churches may not advocate or condemn as such.

9. What do we mean by *mores*, and what influence have they upon society?

10. What are some of the areas of life that are affected by institutions but overflow them?

11. Of what importance are these in building a Christian society?

12. How will the spirit of good will modify our attitude toward the criminal without harming society?

13. How will the spirit of good will modify our political ambitions and schemes?

14. How will the spirit of good will modify our national and civic laws?

15. How will the spirit of good will modify our use of public opinion?

16. How will the spirit of good will modify the church activities?

17. What have you gained from this entire course of study?

SUGGESTIONS FOR LEADERS OF GROUPS

This course gives a fine opportunity for individual work in a club The suggestions can be put into operation in many groups. They are entirely optional, and it is not expected that any one club will carry out all of them. Local conditions will help the leader to choose which of the suggestions his own particular club will follow, or whether he will use an entirely different method which better suits his purpose.

These are but a few of the many possibilities that will suggest themselves to leaders of groups, and which will give life and reality and inspiration to the work. In all of this, however, there must be a climax of interest, that is, the testing of what has been discovered by the questions, Is the Christian spirit operating in this particular field? If not, can Christian people do anything about it? If so, how?

STUDY I. THE COMMUNITY

1. Arrange for four meetings a month, and try to have present at each meeting some representative of the community who is not necessarily a member of the group, but who can make a contribution from the point of view of an expert. In this first study such contributions may be made by:

a) Someone who knows the history of the town supremely well.

b) Someone who is connected with the government of the community.

c) Someone who knows about the housing and landscaping of the town.

d) Someone who can speak for the churches in relation to their interest in civic affairs.

2. One meeting may well be devoted to the historical survey contained in the study.

3. The history of the community in which the group is located.

4. For the investigation of the community in its present condition each member of the group should have some very specific assignment in the way of exploration. If a large number of individuals they may be divided into small groups and one field of investigation assigned to each group. If small, then each individual may have a different assignment. The reports of these investigations should be carefully prepared and presented with opportunity for discussion by the full group. It will be a good plan to have the particular reports chosen for a given meeting fit in with the particular speaker for that evening, if there should be a special speaker.

5. Since the purpose of this first study is general, any particular feature of community life which is typical of the community under consideration, or which distinguishes it from other communities, can well have a place—that is, Is it in any of the specialized areas suggested in the study? Has it some peculiar development in education, in art, in recreation, which distinguishes it from other communities of the region?

6. Are there some interesting reminiscences which can be brought as entertainment for the group?

7. All of the reports should be based upon actual visits to, and interviews with, persons who have first-hand knowledge on the things investigated. Perhaps visits may be made by groups to industrial, recreational, or other points.

STUDY II. GOVERNMENT

1. A study of the historical survey contained in the *Institute* with contributions from members of the group illustrating the rise of states and the principle that the authority of government must be derived from the consent of the governed. This might include suggestions about existing governments anywhere in the world. Let these contributions form the basis for discussing the question, "To what extent does the Christian attitude characterize the *governed* in various cases, for instance, Russia, England, United States, China, Japan, or any other nation named? What are those who struggle in these nation-states trying to get? To what extent is it for themselves, or for others?

2. (*a*) Representatives of government in the community in which the group is studying might be invited to tell something of the history of government in the locality, the different parties, and other aspects peculiar to the local situation. Opportunity should be given for meeting such people personally.

b) Discussion. Is the money derived from the taxes used in a Christian way in the community? How would citizens prefer that it should be used in case they are not now satisfied? What power have they to bring about changes?

The basis for this discussion should be laid by someone who has personally investigated the matter as suggested under (*b*) in the paragraph contained in the study, "The Present Situation in the Community," p. 27, and after due consideration of such a report.

3. (*a*) Representatives of any voters organizations may be invited to be present and to outline the program of ideals to which they are committed and the ways in which they are working to establish these ideals.

b) If a representative from local newspapers can be secured, it would be interesting to have a discussion of the way in which a newspaper takes its political position.

c) A report from someone on the proportion of men and women in the community who exercise their voting privilege, followed by a discussion as to whether the vote of women in that community influences the result of the election in any direction.

4. (*a*) It would be well to spend considerable time if not all of the fourth meeting in considering the various ways, some of which are suggested in the study, in which the church as an organization can train men and women for citizenship, can place its facilities at the disposal of voters, can influence the choice of candidates, help to make the election an honest expression of the majority of the intelligent members of the community.

b) A second subject for active discussion might be, To what extent should one's personal relations with friends, relatives, etc., influence his political attitudes? Should a member of a family, long pledged to one party, feel bound to remain with that party? Should husbands and wives vote independently? Suppose a man is a candidate for an office, and his wife considers the platform of another party better. What does the Christian attitude compel *each* to do?

These questions will suggest many others of a similar character, but this idea of the Christian attitude and his responsibility for present and future conditions may well have the chief emphasis at the last meeting of each month as a climax of the study and investigation of the month.

STUDY III. LAW AS THE WILL OF THE COMMUNITY

The particular direction in which group work will be turned in connection with this study will depend, even more than in preceding studies, upon the discretion of the leader, and the problems and possibilities which the community affords.

1. In a large city where there are many communities within one large community, there is the usual possibility of choice between those subjects which relate to the city as a

whole and to the immediate neighborhood. It will hardly be possible to handle more than four different aspects of law in the four meetings of the group, and perhaps the choice of these four from the many that are suggested might be made somewhat on the basis of the men and women in the community who can be brought to meetings to talk on subjects which are close to their own experience. In the cities it will also be possible to secure people who have been active in the promotion of social reform laws such as the minimum wage, the eight-hour day, the child-labor problem, housing problems, and all sorts of large social interests. Perhaps there may be some law before the public at the time of the meeting, of which a history of the merits or demerits will form a focus. The difference between *our* approach to this sort of subject, and that of the ordinary political group, is simply the fact that in this group there is the frank avowal of a desire to apply the Christian spirit to the consideration of the problem, whatever it may be.

2. Not many people today, especially among the young people, know the exact history of the prohibition amendment. Everybody has an attitude toward it, either for or against. Here is an opportunity to make that attitude intelligent on which ever side it may be. An intelligent attitude instead of one of bold defiance, or of blind championing, would be a great improvement and would help to clear up the situation.

3. Within the last few years the legislatures of several states in the nation have passed laws prohibiting the teaching of evolution in the public schools. Have legislatures the right to pass such laws and do such laws express the will of the community? Information on the working of these laws might be secured from Mississippi, Tennessee, or Arkansas. What recourse have teachers in these states?

4. It is not without significance that the growth of law in the Bible has been taken as the basis of this study. It affords us the best possible illustration of the fact that social progress and religious progress are inseparable, and that religion furnishes the motive power which creates the highest type of social laws and prompts the observance of such laws.

It might be very interesting to discuss in this connection just what religion *is* and whether great social leaders who have not been identified with the church can be counted as religious. For instance, Abraham Lincoln, Jane Addams, and many others that might be named, who have had great influence on the development of higher social laws in this country.

5. At least one meeting should be devoted to the study of the Hebrew codes outlined in the Introduction.

STUDY IV. OFFICIALS AS THE AGENTS OF LAW ENFORCEMENT

1. This month's work suggests a great opportunity to bring in unwonted speakers to talk to or with the group.

a) A judge who will relate his difficulties in securing juries, or in matters where public support failed him.

b) A prosecuting attorney who will describe his troubles in connection with the problem of witnesses.

c) A policeman who may tell what he does to protect the public.

2. One or more members of the group may be commissioned to attend and report the proceedings of a trial.

3. One or more may report a trip to the juvenile court if there is one.

4. A review of Miss Jane Addams' article in the *Survey Graphic* referred to in this study, or current magazine articles relating to the subject.

5. Discussion of those phases of the work of the local church or churches from which members come, which might help the situation.

6. Discussion with leaders in the public schools as to how they are helping through education.

7. Discussion with leaders of Boy or Girl Scouts, Young Men's or Young Women's Christian Associations, social settlements, or other organization as to their contribution to the solution of the problem of attitude toward officials of the law.

STUDY V. CRIME AS A BREAKDOWN OF CITIZENSHIP

1. A meeting might well be devoted to the presentation of *ideals of citizenship* (*a*) gained by a study of Mr. Loesch's statement, (*b*) developed by discussion in the group, or (*c*) applied to the community in which the group lives with suggestions of the point at which citizenship breaks down in that community. This should be followed by assignments for investigation.

2. A study and discussion of the difference between the lawlessness of early pioneer days and that of today in its causes, spirit, objectives, and results. Coupled with this should be reports on the investigations of lawlessness in the particular community involved, with discussion of the particular causes and results of this local lawlessness. A speaker representing the legal profession might well take part in this meeting.

3. Reports that may be available on the history of individual criminals in the community as outlined under suggestion 1 of section II, "Investigation." Discussion of how many of these criminals might have become good citizens under other circumstances.

4. If the community has a large foreign population, the second suggestion for investigation p. 73 will furnish material for a meeting, with reports and discussions. It would be an interesting thing to have a talk at this meeting from someone who has passed through the experience of being an alien in this country and can give at first hand the story of his own evolution into a loyal citizen.

5. If possible, one meeting should be devoted to a discussion of psychiatry, and what it is doing (*a*) with school children, (*b*) in co-operation with the courts, (*c*) any reports of what is actually being done in the local community under consideration.

6. A meeting might well be given exclusively to the subject of what the church (no matter what its creed, whether Roman Catholic, Protestant, or Jewish) can do to meet the great need for preventing the breakdown of citizenship in the members of the community and the consequent crime. Topics for discussion in this connection can be gathered from section III of the study and localized in the church and community under consideration.

STUDY VI. CREATING PUBLIC OPINION

1. As in previous months, it is well to devote the first meeting to the study and discussion of the material as printed in The Institute, with assignments for the local investigation suggested in section five. One group might take No. 1; one group Nos. 2 and 3; one group VI, 1; and one group VI, 2.

2. An interesting program for the second meeting might be:

a) The history of the cultivation of public opinion on some national question of early days in America when the public platform and the printing press were practically the only means of publicity available, and facilities for travel were few.

b) A contrasting story of the education of public opinion on some recent local community question might be given by one of the leaders in the movement, who knew the inside of the whole campaign.

c) A discussion might follow of the proportional influence of different instrumentalities in the campaign.

3. The third meeting might be devoted to:

a) The reports of those who have been surveying the community in the various aspects suggested.

b) A discussion of the various public needs discovered, and the selection of one as the practical expression of the interest of the group.

c) The assignment to different members of the group of the making of possible programs for cultivating public opinion in this matter.

4. The submission and criticism of programs and discussion of future action and a discussion of what Christian attitudes have to do with the whole situation.

STUDY VII. CHURCH AND STATE

The subject for this month is one which can easily run into fruitless and somewhat belligerent controversy unless it is handled carefully. It would therefore be well to distribute the work among the four meetings of the month, if there are to be four meetings, in such a way as to build up confidence and to lead to a discussion of constructive measures, possibly under the following heads.

1. A history of the separation of Church and State in America. It would be interesting in this connection to have some of the documents looked up. Your local library may have some interesting information on this subject.

2. The second meeting might be devoted to biographical material such as the biography of Roger Williams or Thomas Jefferson, especially in respect to their interest in religious freedom; also biographies of others whose names may or may not be mentioned in the study. If any of the speeches made in connection with the Bill for the Establishment of Religious Freedom, can be located, or those made in connection with the Bill Providing for the General Assessment for the Teaching of Religion, it would be extremely interesting to have some of these speeches re-delivered by members of the group.

3. The history of the Quakers in America would be very interesting, with a discussion of their activities during the war. At the third meeting might also be presented a report of any work which is being done in the community or elsewhere in the teaching of morals to children in the public schools, and the teaching of religion to children with the cooperation of the public schools or quite independently.

4. This meeting might be devoted to such reports on 5, 6, and 7 as have been gathered. It should close with a discussion of Parts 1 and 2 under "Investigation" taken in connection with the Summary. This will leave for the last question—"How can the church enter into the civic affairs of the community?"

STUDY VIII. BUILDING A CHRISTIAN SOCIETY

It is very likely that enough subjects have been left hanging in mid-air so that a group will be glad to go back to one or more of them and in the light of the full study of the year to reconsider them. This would be a most profitable program for at least one of the meetings of the month.

For other meetings a sufficient number of topics are suggested in the last two pages of the study from which to select according to the interests of the group. They should be allowed to choose the topics for discussion at least a week in advance so that if, in any daily papers or current magazines or from any other source, they find information worth bringing to the meeting they can have an opportunity to do so.

A very interesting meeting could be carried on through the discussion of review questions 13, 14, 15, and 16. A thorough discussion of these might lead to really valuable changes in the interests and activities of members of the group.

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